

SENATE.

TUESDAY, January 12, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 17th ultimo, an item in regard to buildings rented by them in the District of Columbia; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 7849) to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Marked Tree, in said county and State; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Singing Society Frohsinn, of Mobile, Ala.; of Lodge No. 654, of Denver; of Lodge No. 667, of Colorado Springs; of the Denver Maennerchor, of Denver; of Lodge No. 435, of Denver, and of Bayern Verein of Denver, all in the State of Colorado; of the Schuetzen Verein of New Britain; of Lodge No. 266, of South Norwalk; of the Saengerbund of Hartford; of the Turn Verein of South Norwalk; of the Deutsche Gesellschaft of New Haven; of the Germania Bicycle Club, of New Haven; of Hermann's Sons' Maennerchor, of New Haven; of the German Ulk Club, of Ansonia; of the Teutonia Maennerchor, of New Haven; of the German Citizen Society, of Rockville, and of the Arion Singing Society, of South Norwalk, all in the State of Connecticut; of Lodge No. 349, of Wilmington; of the East End German Democratic Club, of Wilmington, and of the Turn Verein of Wilmington, all in the State of Delaware; of the Gesang Verein Teutonia, of Savannah, Ga.; of the Germania Verein of Shelby; of the Germania Club of Cedar Rapids; of Lodge No. 12, of Rock Rapids; of the Germania Benevolent Society, of Manilla; of the St. Joseph's Society of Muscatine; of the German Society Frohsinn, of Decatur; of the Military Brotherhood of Denison; of the German Aid Society of Iowa City, and of the Deutscher Krieger Verein, of Sioux City, all in the State of Iowa; of the Turn Verein of Mount Olive; of the Georgetown Turn Verein, of Smith-ton; of Germania Bund No. 2, of Shiloh; of the Mascoutah Central Turn Verein, of Mascoutah; of Lodge No. 73, of Freeport; of the Liederkrantz of Mount Olive; of the Turn Verein of East St. Louis; of Lodge No. 794, of Chicago; of Anker Encampment, No. 142, of Aurora; of Concordia Lodge, No. 303, of Aurora; of the Germania Maennerchor of Cairo; of the Turn Verein Eiche, of Chicago; of the Turn Verein of Chicago; of the Junger Maennerchor of Chicago; of the Sociale Turn Verein, of Chicago; of the German Military Society of Freeport; of the Turn Verein Garfield, of Chicago, and of the Deutsche Krieger Verein, of Aurora, all in the State of Illinois; of the German Singing Society Concordia, of Alexandria; of the German War Veterans of Fort Wayne; of the Schuetzen Verein of Hammond; of the St. Joseph Turn Verein, of Evansville; of the Saengerbund of Jeffersonville; of the Turn Verein of Hammond; of the Doppel Quartette Sakonia, of Fort Wayne, and of the Catholic Knights of America, Branch No. 77, of Evansville, all in the State of Indiana; of the Turn Verein of Leavenworth; of Lodge No. 1, of Leavenworth; of the Concordia Singing Society, of Kansas City; of the German-American Skat Club, of Topeka, and of the Gesang Turn Verein of Alma, all in the State of Kansas; of the Turn Verein of Kansas City, Mo.; of the Germania Club of Grand Island, and of Goldene Krone Lodge, No. 19, of Hartington, all in the State of Nebraska; of Kickapoo Tribe, No. 237, of Egg Harbor City; of the Good Will Hook and Ladder Company, of Egg Harbor City, and of Humboldt Grove, No. 20, of Passaic, all in the State of New Jersey; of Sigel Lodge, No. 93, of Webster; of the German School Association of Lawrence; of the Germania Club of Taunton; of the Germania Lodge, No. 380, of Springfield; of the German Cremation Society of Lawrence; of Herman Lodge, No. 467, of Adams; of Rollstone Lodge, No. 573, of Fitchburg; of the Glee Club Eintracht, of Lawrence, and of the Glee Club Mozart Maennerchor, of Lawrence, all in the State of Massachusetts; of Independence Lodge, No. 23, of New Orleans, La.; of Lodge No. 13, of Deer Lodge, and of Blucher Lodge, No. 10, of Kalispell, all in the State of Montana, and of Turn Verein

Vorwaerts, of Baltimore, Md., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Springfield, Ohio; of the congregation of the Presbyterian Church of Carlisle, N. Y.; of the congregation of the First Methodist Episcopal Church of Bradford; the Young People's Missionary Society of Newberry; the Mothers and Teachers' Association of Newberry; the Ladies' Aid Society of Newberry; the Woman's Home and Foreign Missionary Society of Newberry, and of the congregation of the United Evangelical Church of Newberry, all in the State of Pennsylvania, and of the Woman's Club of Pekin, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the Philadelphia Maritime Exchange, praying for the ratification of certain treaties between the United States and the other leading countries of the world providing proper restrictions for arbitration of international questions; which was referred to the Committee on Foreign Relations.

He also presented petitions of 330 telegraph operators of Illinois, praying for the enactment of legislation for the relief of telegraphers who served in the war of the rebellion; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of California, praying for the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented a petition of the History Club, of Portsmouth, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FOSTER of Washington (for Mr. ANKENY) presented a petition of Alfred Sully Post, No. 3, Department of Washington and Alaska, Grand Army of the Republic, of Dayton, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also (for Mr. ANKENY) presented a petition of sundry miners of Alaska, praying for a temporary suspension of assessment work on mining claims in the Territory of Alaska; which was referred to the Committee on Mines and Mining.

He also (for Mr. ANKENY) presented a petition of the city council of Ballard, Wash., praying that an appropriation be made to deepen the harbor at that port; which was referred to the Committee on Commerce.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made in aid of the Lewis and Clark Centennial Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented memorials of Local Union No. 100, International Longshoremen's Association, of Aberdeen; of the Sailors' Union of the Pacific of Seattle, and of the Sailors' Union of the Pacific of Port Townsend, all in the State of Washington, and of the Sailors' Union of the Pacific, remonstrating against the enactment of legislation relative to the allotment of seamen's wages; which were referred to the Committee on Commerce.

Mr. McCUMBER presented a petition of the ministers of the Presbyterian, Baptist, and Methodist Episcopal churches of Langdon, N. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; to regulate the interstate transportation of intoxicating liquors; for the appointment of physical directors for the new army gymnasiums; to prohibit interstate telegraphing of gambling bets; for the enactment of a Sunday law for the national capital, and to amend the Lewis and Clark Exposition bill, requiring the exposition to be closed on the Sabbath day and to prohibit midway exhibits thereat; which were referred to the Committee on the Judiciary.

Mr. BARD presented a petition of the San Bernardino County Fruit Exchange, of San Bernardino, Cal., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented petitions of Ellison Post, No. 127, of North Branch; of Levi Sutton Post, No. 73; of George B. Adams Post, No. 151, of Eagle Bend; of C. Summers Post, No. 94, of Canby; of J. S. Cady Post, No. 2, of Anoka, and of Wallace Post, No. 142, of Princeton, all of the Department of Minnesota, Grand Army of the Republic, in the State of Minnesota, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a memorial of the Bay and River Steamboatmen's Union of California, remonstrating against the enactment of legislation relative to the payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

Mr. MILLARD presented a petition of the Military Order of the Loyal Legion of the United States, Commandery of Nebraska, praying for the adoption of an amendment to section 1814 of the Revised Statutes, relative to the placing of statues in the United States Capitol; which was referred to the Committee on Rules.

He also presented a petition of the congregation of the First Presbyterian Church of Humboldt, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Gibbon, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Tecumseh, Nebr., and a petition of the congregation of the First Presbyterian Church of Humboldt, Nebr., praying for the enactment of legislation to protect prohibition States and districts against "original-package" tricks; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of York; of the Ladies' Missionary Society of Hansen; of the Woman's Home Missionary Society of York; of the Woman's Christian Temperance Union of Union; of the congregation of the Presbyterian Church of Silver Creek; of the Fin de Siècle Club of Central City; of the Ladies' Missionary Society of Mira Creek; of sundry citizens of Geneva, and of the Nebraska Federation of Women's Clubs, of Lincoln, all in the State of Nebraska, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DOLLIVER presented a petition of Landan Post, No. 156, Department of Iowa, Grand Army of the Republic, of Lake City, Iowa, and a petition of J. G. Safley Post, No. 125, Department of Iowa, Grand Army of the Republic, of Traer, Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Odebolt, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented memorials of George Thomas, of Wingate; of the Delaware County Merchants' Association and Credit Bureau, of Muncie; of the Retail Merchants' Association of Evansville, and of J. Cadden, of Evansville, all in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a memorial of the Bay and River Steamboatmen's Union of California and a memorial of Local Union No. 100, International Longshoremen's Union, of Aberdeen, Wash., remonstrating against the enactment of legislation relative to the payment of allotment in the coastwise trade; which were referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Plymouth, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to authorize the extension and operation of the Great Falls and Old Dominion Railroad upon and over certain streets in the city of Washington; which was referred to the Committee on the District of Columbia.

Mr. ALGER presented a petition of Detroit Harbor, No. 47, American Association of Masters and Pilots of Steam Vessels, of Detroit, Mich., and of Lodge No. 7, Shipmasters' Association, of Detroit, Mich., praying for the establishment of a breakwater at Rogers City, in that State; which were referred to the Committee on Commerce.

HAMILTON D. SOUTH.

Mr. PENROSE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 2820) for the relief of Hamilton D. South, to report it favorably with an amendment, and I ask for its present consideration. It is a short measure.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Naval Affairs was, in line 6, after the words "one thousand," to strike out "two hundred

and fifty" and insert "one hundred and fifty-seven;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lieut. Hamilton D. South, United States Marine Corps, out of any money in the Treasury not otherwise appropriated, the sum of \$1,157, to reimburse him for the loss of personal property destroyed by the burning of the officers' quarters at the United States navy-yard, Pensacola, Fla.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES BLAKE.

Mr. HALE. From the Committee on Naval Affairs I report the same kind of a bill as that which has just passed, and I ask for its present consideration. It is the bill (S. 1753) for the relief of Pay Clerk Charles Blake, United States Navy.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Charles Blake, pay clerk, United States Navy, the sum of \$700, to be a payment in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. COCKRELL. I should like to ask the Senator from Maine, the chairman of the Committee on Naval Affairs, if there is any general legislation which would authorize the Navy Department to adjust these claims?

Mr. HALE. There are certain features of general legislation, and these cases are only reported where the Department has certified that they do not come under the general head.

The bill was passed.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following joint resolution and bills, reported them severally without amendment:

A joint resolution (S. R. 6) to authorize the Secretary of the Navy to donate to the Minnesota Historical Society the steering wheel of the former ship *Minnesota*;

A bill (S. 2437) to provide for the transportation of naval and other stores and supplies in American-built ships; and

A bill (S. 2641) to provide for the removal of floating dangers to navigation in certain steamship lanes off the Atlantic coast of the United States and for the construction of a suitable vessel to be used for such purpose by the Navy Department.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3114) to authorize the use of depositions before naval courts in certain cases; and

A bill (S. 3110) to provide for the convening of general courts-martial at remote naval stations.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 921) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 127) authorizing the joining of Kalorama avenue, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2540) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Finance, to whom was referred the bill (S. 351) for the relief of Joseph B. Sargent, reported it without amendment.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 2845) to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy, reported it without amendment, and submitted a report thereon.

REPORT ON AFFAIRS IN ALASKA.

Mr. BEVERIDGE. Mr. President, from the Committee on Territories I desire to present to the Senate the report of the subcommittee of that committee, which visited Alaska under a resolution adopted near the close of the last Congress, together with

testimony, statements, and other information gathered by the subcommittee.

I wish, Mr. President, in presenting this report to call the particular attention of the Senate to it. Within a day or two of the close of the last Congress I presented a resolution authorizing the appointment of this subcommittee. Accordingly a subcommittee was appointed, consisting of the junior Senator from Vermont [Mr. DILLINGHAM], as chairman, the junior Senator from New Hampshire [Mr. BURNHAM], the senior Senator from Minnesota [Mr. NELSON], and the junior Senator from Colorado [Mr. PATTERSON]. These gentlemen, as a subcommittee, visited Alaska and spent in actual work two months' time of discriminating and intelligent investigation. That work is embodied in this admirable report, which is the report of the entire subcommittee, and drawn by its chairman, the Senator from Vermont [Mr. DILLINGHAM]. It embraces original information gathered on the ground; and I believe it is the first report of full and first-hand information ever presented by a committee from either House to Congress for its guidance in legislating on the affairs of the district of Alaska.

I direct the particular attention of the Senate to the feature of this report upon transportation, which is of immense value. Indeed every line of this valuable document is weighty with facts and sound judgment. This subcommittee has accomplished the maximum of results with the minimum of expense. The recommendations are the recommendations of the entire subcommittee, with the exception of one concerning the Delegate, from which the junior Senator from Colorado [Mr. PATTERSON] dissents.

I ask that 5,000 copies of the report itself and the map which accompanies it be printed, and that of the testimony and statements taken by the subcommittee fifteen hundred copies be printed. This is not an unusual number, I think, for a report so important, so timely, and so full, as is this notable presentation of the situation in the district of Alaska to the Senate and the country.

The PRESIDENT pro tempore. If no objection is made, the order will be entered for the printing, as requested by the Senator from Indiana, and for the printing of maps and of illustrations, if there may be any.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3311) to amend section 2599 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (S. 3312) to provide an adjunct to the corps of consular clerks (with an accompanying paper);

A bill (S. 3313) to amend section 1706 of the Revised Statutes (with an accompanying paper); and

A bill (S. 3314) to regulate consular invoice fees (with accompanying papers).

Mr. BARD introduced a bill (S. 3315) for the relief of Carlos Manjarez; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3316) to provide for a site and public building at South Bethlehem, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3317) authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3318) to correct the military record of Joseph Rankin; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3319) to correct the military record of William H. Everson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3320) to correct the naval record of John Clark, alias Daniel Andrews; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3321) granting a pension to Andrew Comrey;

A bill (S. 3322) granting an increase of pension to Daniel Nagle;

A bill (S. 3323) granting a pension to Eleanor M. Laize;

A bill (S. 3324) granting a pension to Adeline C. Roberts;

A bill (S. 3325) granting an increase of pension to James B. O. Horbach; and

A bill (S. 3326) granting an increase of pension to Jacob A. Geiger (with accompanying papers).

Mr. FOSTER of Washington (for Mr. ANKENY) introduced a bill (S. 3327) granting an increase of pension to Isaac N. Moore;

which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 3328) granting to the city of Port Angeles, Clallam County, State of Washington, for park purposes, certain portions of the Government reserve in said city; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3329) granting a pension to Mary E. Strong; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 3330) granting an increase of pension to William H. Williams; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3331) to authorize the Vulcan Coal Company, of Vulcan, W. Va., to bridge the Tug Fork of the Big Sandy River at Vulcan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3332) granting a pension to Thomas M. Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 3333) granting an increase of pension to William H. Hendrickson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 3334) granting an increase of pension to Frances G. Belknap; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3335) granting an increase of pension to John Waldo; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Territories:

A bill (S. 3336) to provide an additional district judge for the district of Alaska, and for other purposes;

A bill (S. 3337) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes;

A bill (S. 3338) to amend and codify the laws relating to municipal corporations in the district of Alaska;

A bill (S. 3339) providing for the election of a Delegate to the House of Representatives from the district of Alaska; and

A bill (S. 3340) to amend an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899.

Mr. NELSON introduced a bill (S. 3341) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome city, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HEYBURN introduced a bill (S. 3342) for the relief of the Nez Percé tribe of Indians in Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MCCOMAS introduced a bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3344) for the extension of Shepherd street northwest from Connecticut avenue to Idaho avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3345) granting an increase of pension to Edward Davidson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3346) granting an increase of pension to Jacob Hollenbaugh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3347) for the establishment and organization of a nurse corps of trained women nurses in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PERKINS introduced a bill (S. 3348) granting a pension to Helen G. Hibbard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3349) granting an increase of pension to Morgan Dwyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3350) granting an increase of pension to Isaac Harbert (with an accompanying paper); and

A bill (S. 3351) granting a pension to Randolph F. Williamson (with accompanying papers).

Mr. FORAKER introduced a bill (S. 3352) granting an increase of pension to Mary M. Nash; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3353) to provide for the registration and protection of commercial marks, prints, and labels used in foreign or interstate commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Patents.

Mr. DILLINGHAM introduced a bill (S. 3354) to divide the third judicial division of the district of Alaska into two recording and judicial divisions; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 3355) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes;" which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3356) granting an increase of pension to Rebecca A. Teter;

A bill (S. 3357) granting an increase of pension to Welcome B. French; and

A bill (S. 3358) granting an increase of pension to Catherine Bowsher.

Mr. TELLER introduced a bill (S. 3359) for the relief of the attorney and representative of the Choctaw Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FULTON introduced a bill (S. 3360) for the relief of the Muir Glacier Packing Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 3361) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. HANSBROUGH introduced a bill (S. 3362) granting an increase of pension to Daniel H. Wallace; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE (for Mr. SPOONER) introduced a bill (S. 3363) granting an increase of pension to William A. Murray; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3364) granting an increase of pension to Moses Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 3365) for the relief of the heirs at law of Maj. Tarleton Woodson, deceased; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

STATUE OF BENJAMIN HARRISON.

Mr. FAIRBANKS. I introduce a joint resolution which I ask may be read at length.

The joint resolution (S. R. 31) authorizing the erection and maintenance of a statue in memory of the late President Benjamin Harrison, upon land owned by the United States in the city of Indianapolis, State of Indiana, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Benjamin Harrison Memorial Association of Indiana be, and it is hereby, authorized to construct and maintain, on property owned by the United States in square numbered 36, in the city of Indianapolis, State of Indiana, a monument in honor of the life and services of the late President Benjamin Harrison. The said monument shall be constructed south of the post-office, court-house and custom-house building now in course of erection on said square, subject to the approval of the Secretary of the Treasury.

Mr. FAIRBANKS. As will be seen, the joint resolution authorizes the construction and maintenance, on property of the Government at Indianapolis, of a monument in honor of the life and services of the late President Benjamin Harrison. I should like to have its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. PLATT of Connecticut introduced a joint resolution (S. R. 32) to fill vacancies in the Board of Regents of the Smithsonian Institution; which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of John B. Henderson and Alexander Graham Bell, residents of the city of Washington, whose terms of office expire on January 24, 1904.

Mr. PLATT of Connecticut. I see no reason why the joint resolution should not be considered now. These vacancies have to be filled by Congress. Ex-Senator Henderson and Dr. Alexander Graham Bell are regents whose terms expire in a very few days. I suppose there will be no objection whatever to their reappointment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT OF PATENT APPEALS.

Mr. PLATT of Connecticut. I have introduced two bills for the creation of a court of patent appeals. There is very great interest taken in them by patent attorneys and inventors. Each bill provides for the creation and establishment of a new court with final jurisdiction in patent matters. The bills differ somewhat in plan and detail. One is supported by a memorandum explaining the bill and the reasons for it, and the other by a report of the American Bar Association. I ask that each of these papers may be printed as a Senate document.

The PRESIDENT pro tempore. What reference does the Senator desire?

Mr. PLATT of Connecticut. The papers have been referred to the Committee on Patents.

The PRESIDENT pro tempore. The Senator from Connecticut asks for the printing of the papers which he has just sent to the desk. Is there objection to the request? The Chair hears none, and the order is made.

PORT OF SALT LAKE CITY.

Mr. KEARNS. I ask unanimous consent for the present consideration of the bill (S. 201) to establish a port of delivery at Salt Lake City, Utah.

Mr. LODGE. The regular order has not been finished yet?

The PRESIDENT pro tempore. It has not.

Mr. LODGE. I have no objection in the world to the bill, and I hope we shall go to the Calendar and take up all unobjected bills; but I shall be glad if the regular order may be finished first.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Utah.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing that the immigration laws of the United States in force in the Philippine Islands shall continue to be administered by the officers of the Philippine Government, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$55,000 to enable the Secretary of State to provide at a number of the principal consulates 50 clerks, who shall be American citizens and shall not receive more than \$1,200 a year in any one case, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

THE PANAMA CANAL.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, 2,000 extra copies of the message of the President of the United States in regard to Panama.

CORRESPONDENCE WITH COLOMBIA.

Mr. DANIEL. I offer the resolution which I send to the desk. The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate, That the President of the United States be, and he is hereby, requested, if in his opinion consistent with the public interest, to transmit to the Senate all correspondence between the Secretary of State

and the representatives of the Government of Colombia which has taken place concerning our relations with that country since the revolution of November 4 in Panama and which has not been heretofore transmitted.

Mr. CULLOM. I hope that the resolution will be referred to the Committee on Foreign Relations.

Mr. ALDRICH. No; let it go over until to-morrow.

Mr. CULLOM. If the Senator wants it to go over until to-morrow, I have no objection.

The PRESIDENT pro tempore. Objection being made, the resolution will go over.

HOUSE BILL REFERRED.

The bill (H. R. 7849) to authorize the county of Poinsett, in the State of Arkansas, to construct a bridge across the St. Francis River at or near the town of Marked Tree, in said county and State, was read twice by its title, and referred to the Committee on Commerce.

BRITISH CLAIMS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate of December 19, 1903, requesting the President, "if not incompatible with the public interests, to transmit to the Senate a list of any claims now pending in the Department of State by British subjects against the United States, or of citizens of the United States against Great Britain," I transmit herewith a report from the Acting Secretary of State covering the list called for.

THEODORE ROOSEVELT.

WHITE HOUSE, January 12, 1904.

GORDON, IRONSIDES & FARES COMPANY (LIMITED).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report by the Acting Secretary of State, with accompanying papers, in regard to the application of the British Embassy in behalf of Messrs. Gordon, Ironsides & Fares Company (Limited), of Canada, for reimbursement of \$7,626.08, which they allege the United States customs authorities improperly exacted of them in November, 1902, as duties on certain sheep and cattle.

In view of the facts as recited by the Acting Secretary of State and shown in the correspondence, I recommend that provision be made for the company's reimbursement.

THEODORE ROOSEVELT.

WHITE HOUSE, January 12, 1904.

D'ANGERS BUST OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State, with inclosure from the ambassador of the French Republic, relative to the desire of certain French citizens to present to this Government a reproduction of the bust of Washington by David d'Angers, which the donors wish to be placed in the Capitol.

I recommend that Congress accept this gift by joint resolution and that suitable provisions be made for its ceremonial installation.

THEODORE ROOSEVELT.

WHITE HOUSE, January 12, 1904.

RELATIONS WITH COLOMBIA.

Mr. BACON. I offer a Senate resolution, which I ask may be read, and before the order of reference is made I will say a word, with the permission of the Senate.

The resolution was read, as follows:

Resolved by the Senate, That the President be respectfully informed that the Senate favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia, to the end that there may be peacefully and satisfactorily determined and adjusted all differences between the United States and the Republic of Colombia growing out of the recent revolution in Panama and the consequent secession of Panama from Colombia and the alleged aid and assistance by the land and naval power of the United States in the successful accomplishment of said revolution and secession through the alleged forcible prevention by said land or naval forces of the assertion and maintenance by Colombia of her sovereignty and authority in Panama, and that full and complete compensation may be made by the United States to the Republic of Colombia for the loss of her sovereignty and property rights in Panama so far as the same may be shown to be due to any act of the United States through the land or naval forces of the same;

Resolved further, That the President be respectfully informed that if it should prove to be impracticable for the United States and the Republic of Colombia to agree through a convention upon the question of the said alleged responsibility on the part of the United States, or upon the question of the amount of compensation to be made when such responsibility shall be established, the Senate in that case favor and advise the negotiation, with a view to its ratification, of a treaty with the Republic of Colombia submitting to the permanent court of arbitration at The Hague, or to some other tribunal to be agreed upon, for impartial arbitrament and peaceful determination all questions between the United States and the Republic of Colombia growing out of the matters herein recited.

Mr. BACON. Mr. President, I shall move the reference of the resolution to the Committee on Foreign Relations. Before doing so I wish simply to say, with the permission of the Senate, that I think, from my standpoint, from my understanding of the facts as they have now been related to us both in the public prints and in official communications, this action on the part of the United States Government is required in justice to Colombia. As, however, there are doubtless some who will not agree with me on that point, I desire to suggest that, considered from another standpoint, the standpoint of good policy and expediency, this action should be taken by the Government of the United States.

We are, sir, committed by our agreeing to the international convention to the principle of arbitration when there is danger of war. We are committed to the principle of submission to some tribunal of a dispute which may lead to war in order that there may be a peaceful solution and determination of the same.

I desire to suggest to the Senate that we delude ourselves if we think there is no danger of war or of bloodshed growing out of the recent events in Panama and those which are now in progress. Of course at this distance it is difficult for us to fully realize the situation; but I hold in my hand, and ask that it may be read from the desk, a dispatch to the Washington Post, not from an anonymous correspondent, but from one who has held the official position of consul at Cartagena, Mr. Clifford Smythe, under date of January 8, from Bogota, setting forth the condition of affairs there and the imminent probability of hostilities. I ask that it may be read from the desk.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

WAR OR RUIN OF NATION.

[Special cable to the Washington Post, by Clifford Smythe, former consul at Cartagena.]

BOGOTA, January 8, via Galveston, January 9.

It is impossible for one not here to understand the deep feeling of Colombians on the Panama question. The situation is now critical. The national life is at stake. War or the disruption of the Colombian Republic will follow the refusal of the United States to give some satisfaction for the conditions she is permitting on the Isthmus.

Troops are now in readiness in the Cauca and Bolivar Departments to rush upon Panama when the word is given. In all my experience in Colombia I have never seen the people of this country so fully aroused. That they want war is beyond argument; and if war does not follow an unsatisfactory reply from the United States, internal dissensions will absolutely send Colombia to the verge of ruin.

STATEMENT BY MARROQUIN.

As high an authority as President Marroquin permits me to quote him. In answer to a message from me he sent me the following, and gave permission for the cabling of these latest and authentic facts concerning the situation here:

"The people of Colombia still hope that actual conflict may be averted through Democratic intervention in the Senate. Personally, I count on the assistance of the Democratic party and the great American people to save the sacred rights of Colombia, which have been so scandalously wounded."

It is not only my belief, but men high in authority have admitted, almost with tears in their eyes, that the "unfriendly acts" of President Roosevelt are threatening the unity and the continuance of the Colombian Republic.

Despite the bitterness against the Administration, I have been given the most courteous treatment, and Americans throughout Colombia are being protected, which is not difficult, as there are scarcely a handful here. That American interests are sure to suffer is undeniable. War or an internal crisis will follow the report of General Reyes to Colombia.

Mr. BACON. Mr. President, I have had that read in full, although there are some things in it which might not be directly pertinent, because I did not desire to present what might be charged to be a garbled statement of a dispatch. I desire to say that in so doing I have no wish in any manner to reflect upon the President of the United States or upon any political party, and if I could have done so with propriety I would not have had that part of it read. I thought it was better for the reason stated that it all should be read.

I consider the question we are now on not one of party. It is simply a question, viewed from the present standpoint of policy, whether or not we shall endeavor to avert imminent war. It is impossible to conceive that a people who have been so humiliated as have been the people of Colombia, however weak they may be, however absolutely hopeless the cause may be, will submit without any resistance or without any attempt to maintain what they consider to be their honor.

My only purpose in having the dispatch read was to call the attention of the Senate to the fact that matters are in a condition where, if we do not hold out to those people some prospect that the great United States Government, all-powerful and able to do as it pleases, will in a proper, magnanimous spirit endeavor peacefully to adjust these differences, there must be war and bloodshed.

No man can doubt for a moment what the result of such a war would be. Of course this pigmy can not stand against the great giant, the United States. But, Mr. President, certain as it is that

we will prevail, what would it profit us if in the contest thousands of those people were slain? What would it profit us if thousands of our officers and soldiers had to yield up their lives unnecessarily?

I believe if the Congress of the United States and if the President of the United States will hold out to those people any possible assurance that there will be an adjustment which will be compatible with their honor, that this bloodshed can be avoided.

I am anxious that in the accomplishment of this great work, which was to be the great crowning work of peace, we shall not have to shed human blood. Mr. President, we have had enough of it. What are a few paltry dollars or a few paltry million dollars to the Government of the United States, in the settlement of such a question, compared to the blood of our citizens? What are these paltry millions of dollars compared with what may be considered honorable and right dealing on the part of the United States, all-powerful as it is, with a weak and almost powerless people?

If we have not been in the wrong, it ought to be peacefully ascertained; it ought to be ascertained, not by the arbitrament of the sword. If we have been in the right, that question ought not to be determined by the rule of might, but by the impartial judgment of those whose judgment will be accepted by the civilized world, so that if we are in the right we have nothing to lose. But if, on the contrary, Mr. President, we have done wrong—this resolution does not say that we have, and I do not say so in this place—if we have done wrong, I may say, there is not power enough in all the world to make us do right unless we wish to do right. But if we have done wrong, there ought not to be power enough in all the world to keep us from doing right even to the weakest and least powerful of people.

Therefore I hope, sir, that this resolution, if no other Senator desires to speak upon it, may go to the Committee on Foreign Relations, where it may have due and proper consideration, and that it may come back.

I sincerely trust, Mr. President, that even the introduction of this resolution may have a tendency to stay the outbreak which is threatened.

I will say that in the introduction of this resolution I had no disposition to invade the province of the President of the United States, and I do not think that the Senate, in the adoption of the resolution, will invade the province of the President of the United States. The Constitution distinctly makes the Senate an advisory body for the President of the United States in the negotiation of treaties. In the early history of the Government the President of the United States communicated with the Senate and asked its advice prior to the negotiation of treaties.

There have been instances, even during the limited period when I have had the honor to sit in this body, when similar resolutions have been introduced, though I am not sure that they were adopted.

I desire, sir, having said very much more than I intended in the beginning, to assure the Senate that I introduce this resolution in no partisan spirit; that I introduce it in the utmost good faith, in the hope that the action of the Senate may redound to the good of our people; may prevent bloodshed; may vindicate us before the world that we have done no wrong, and show us where the right is if we have departed from it in any particular.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] has moved that the resolution be referred to the Committee on Foreign Relations.

Mr. LODGE. Mr. President, if I rightly apprehend that resolution, it is, in the first place, in the nature of advice to the President to enter upon a negotiation with Colombia. As to the right of the Senate to give such advice to the President I have no doubt; but this resolution, as I understand it, goes further, and instructs the President as to the course of that negotiation. But, Mr. President, my objection to this resolution is much deeper than that. Negotiations, as is well known, are pending between General Reyes and the Secretary of State. They are in communication. What the conditions of their negotiations are we do not know.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. DANIEL. Is it not true that those negotiations are ended?

Mr. LODGE. Not to my knowledge. I do not speak here on the basis of newspaper reports.

Mr. DANIEL. May I ask the Senator whether he is informed as to whether or not those negotiations are ended?

Mr. LODGE. Not to my knowledge. All I can say is that I am not aware that they are ended.

I think for us to come into the Senate with a resolution distinctly in the interest of Colombia would be a most harmful thing. I do not want even to discuss such a resolution. I do not think it ought to be discussed.

I am as anxious as the Senator from Georgia or anyone else can be to avert war and bloodshed, but I believe nothing could be more calculated to bring on fighting on the Isthmus between the people of Colombia and the people of Panama than the passage of such a resolution as that introduced by the Senator from Georgia.

I want to bring this matter to a direct vote without a reference to the committee, and therefore, Mr. President, I shall move to lay the resolution upon the table.

Mr. TELLER. That is not fair.

Mr. BACON. I trust the Senator from Massachusetts will not do that.

Mr. ALDRICH. Let us have a vote on it, then.

Mr. LODGE. What I want is to get a vote on it, and I know of no other way than that.

Mr. MORGAN. You will get a vote on it.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] moves to lay the resolution of the Senator from Georgia on the table. That motion takes precedence of the motion to refer.

Mr. TELLER. I will venture to say, even if it be out of order, that this is an unusual proceeding in this body. I will take occasion after the resolution is laid on the table to express my opinion about it.

The PRESIDENT pro tempore. The Chair is obliged to rule that the motion is in order.

Mr. LODGE. I have no desire to prevent discussion. I simply want to bring the resolution to a vote—that is all—without its reference to the committee.

Mr. BACON. I trust the Senator will withdraw that motion.

Mr. LODGE. I have no other alternative. If the Senate will agree to take the vote before the hour of 2 o'clock, I am perfectly willing to withhold the motion.

Mr. DANIEL. It seems to me very unreasonable—

The PRESIDENT pro tempore. The pending motion is not debatable.

Mr. DANIEL. I understand that it is not, but it has been debated, Mr. President.

Mr. LODGE. I will withhold the motion, as the Senator from Virginia wishes to be heard.

Mr. DANIEL. As the question has already been debated by two Senators, I suppose that a third one will have the same right as the other two had.

It would be very extraordinary to vote upon that resolution either to-day or to-morrow. It is a new proposition, one which as yet not even the Senator from Massachusetts [Mr. LODGE], who has listened so attentively to it, could fully digest and comprehend without additional reflection.

The due and proper course is that the resolution should go to the committee, like other resolutions of that kind that it should not be treated with a drumhead court-martial—as other matters have been attempted to be treated in this body, which have heretofore been of a class which commanded the utmost respect of all parties and of all interested in the honest and just administration of public affairs.

Mr. TELLER. Mr. President, I think the Senator from Massachusetts [Mr. LODGE], who has taken charge of the business of the Senate, should at least allow that we may say a word or two on this subject.

This resolution is an important one. I am not myself prepared to vote on it now. I do not know, in the haste with which it was read, whether it does go beyond the power of this Senate or not.

It seems to me when the Senator from Georgia moved to refer the resolution to the Committee on Foreign Relations that that ought to have been satisfactory to everybody in this Chamber. If the resolution goes further than it should, it will be the privilege of that committee to so amend it and change it as to bring it within the proper rule.

I should like very much to vote for a resolution in favor of arbitration upon any controversy that may arise between us and Colombia on this subject or any other.

I think, Mr. President, that this resolution ought to go to the Committee on Foreign Relations. I do not know that I want to vote on it as it stands just now for fear the criticism made by the Senator from Massachusetts might be correct. I am not sufficiently keen in my judgment and perception, Mr. President, to always know on two minutes' notice whether a matter of this character is an infraction of law or not, but I know some things that every man here knows, and one is that it has not been the custom of this body to dispose of matters of this kind in this summary way. I should certainly vote against laying the resolution on the table. But, suppose it should turn out when I come to examine it, that I have made up my mind that it goes further than it ought to go, I would then stand committed to a proposition that I certainly would not have voted for if I had thought it had

gone further than it should have gone, because I had no opportunity to examine the resolution.

The motion to lay the resolution on the table is contrary to the custom of this Senate. While it has been recognized, Mr. President, that there should be the power of disposing of debate on a question when a majority wanted to do so by a motion to lay it on the table, this is the first time in my experience in this body that I have ever known a motion of this kind to be made under such circumstances.

I think the resolution ought to go to the committee of which the Senator from Massachusetts is a member. The committee is organized for the purpose of seeing that just such resolutions are kept within the rules, and the Senator from Georgia [Mr. BACON], recognizing the usual custom of the Senate upon a resolution of this kind, has himself suggested that it go, or he moved that it go, to the Committee on Foreign Relations.

Mr. BACON. If the Senator from Massachusetts desires to make the motion which he has indicated, I will withdraw the motion to refer the resolution to the Committee on Foreign Relations, and under the rule it will lie over until to-morrow.

Mr. LODGE. I submit that it is too late, Mr. President. Two motions have been made.

Mr. BACON. There is no motion pending, and, therefore, how could it be too late?

Mr. LODGE. There are two motions pending.

The PRESIDENT pro tempore. The Chair understood the Senator from Massachusetts to withdraw his motion.

Mr. LODGE. I withheld it.

Mr. BACON. The Senator from Colorado [Mr. TELLER] could not have proceeded if the Senator from Massachusetts [Mr. LODGE] had not done so.

Mr. LODGE. Very well. If the Senator wants it to go over until to-morrow, I have no objection, but I shall renew the motion then.

Mr. BACON. I am perfectly willing to let it go over for to-day; but if the Senator is going to move that it lie on the table I will withdraw my motion.

The PRESIDENT pro tempore. The Senator from Georgia withdraws his motion to refer the resolution.

Mr. BACON. And I ask that the resolution be printed.

The PRESIDENT pro tempore. Is there objection to its present consideration?

Mr. CULBERSON. I object, Mr. President.

The PRESIDENT pro tempore. Objection being made to its present consideration, the resolution will, under the rule, go over and be printed.

Mr. BACON. The Chair did not understand me to have withdrawn the motion to refer to ask for the present consideration of the resolution?

The PRESIDENT pro tempore. It would be considered presently unless objection were made.

Mr. BACON. I understand the rule to be the other way—that, as a matter of course, a resolution goes over unless there be unanimous consent for its present consideration.

The PRESIDENT pro tempore. It does.

Mr. BACON. My only object in calling attention to it was that it might not appear in the RECORD that I was inconsistent when I had made no request for the present consideration of the resolution.

Mr. FORAKER. Mr. President, before we pass from this subject I want to see if I understood what the Senator from Georgia stated about the author of the newspaper dispatch that he had read from the Secretary's desk. What was the statement the Senator made in regard to the author of that dispatch?

Mr. BACON. I made no statement except that which is found on the face of the paper, that he was formerly consul at a place, the name of which was read. That is the only statement I made.

Mr. FORAKER. I heard that much, but I did not know but that something else had been said, and I wanted to be sure about it.

Mr. BACON. There was nothing more than that.

Mr. FORAKER. I have taken the trouble to telephone the State Department—

Mr. BACON. The only additional statement I made as to it was that this was not from an anonymous correspondent, and I gave the name.

Mr. FORAKER. I have taken the trouble to telephone to the State Department to find out who Mr. Clifford Smythe is. I find that he was appointed consul at Cartagena, Colombia, in March, 1894, by President Cleveland, and that he was at that time residing at Cartagena. How long he had been residing there no one seems to know. He was credited, however, to the State of New York; so that he was possibly originally a citizen of New York, but he seems to have for some reason located and become interested in that country. I mention that in order that it may have

such weight as Senators may see fit to give to it as affecting the character of the dispatch which he has sent.

Mr. SPOONER. Was that paper read?

Mr. FORAKER. The paper was read from the Secretary's desk as a part of the remarks made by the Senator from Georgia [Mr. BACON], and the reason why the Senator from Georgia thinks that there ought to be adopted such a resolution as that which he has offered, a resolution which proceeds upon the theory that some great wrong has been done by the United States.

Mr. President, we have had a detailed history from the President of the United States as to all that has been done by the United States with respect to this controversy, with respect to Panama, and with respect to the recognition of the Republic of Panama. Does any member of this body pretend to say that that account so given by the President is not full, is not complete, that it does not embody everything that has been done? I have not heard of anybody making any such charge.

Mr. President, if it be true that the President of the United States has laid before this body, in his message to Congress, all the facts connected with that transaction—the recognition of the Republic of Panama—all the facts pertaining to our action there, let some Senator put his hand upon a single step or a single fact connected with this Government, or for which this Government is responsible, of which he can say that there was anything wrong about it.

Mr. DANIEL. Will the Senator allow me?

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. DANIEL. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. DANIEL. I have not heard discussed on the floor of the Senate by any Senator the right of the President to order an act of war upon a Government at that time friendly with this nation. Does he consider that that would be right?

Mr. FORAKER. Mr. President, the President of the United States has not ordered war to be made upon a friendly government. There has been no act of war that I know anything about.

Mr. DANIEL. Will the Senator allow me to ask him another question?

Mr. FORAKER. Certainly.

Mr. DANIEL. Does the Senator consider a direction to the naval officers of the United States to prevent the troops of Colombia from attacking an insurrectionary force not an act of war?

Mr. FORAKER. Mr. President, he has not done any such thing. The President of the United States, as set forth in his message, has simply done that which has been done over and over again.

Mr. DANIEL. When?

Mr. FORAKER. By Republican and Democratic Administrations alike—

Mr. MORGAN. Oh, no.

Mr. FORAKER. In the effort to discharge our duty under our treaty of 1846 with New Granada to maintain free from interruption the transit across the Isthmus. Over and over again marines have been landed. What for? Not to make war upon anybody, but to prevent war.

Mr. DANIEL. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FORAKER. Certainly.

Mr. DANIEL. To prevent war between whom?

Mr. FORAKER. To prevent war by anybody who might want to fight.

Mr. DANIEL. Does the Senator consider that the United States has a right to send its naval forces to prevent war between other nations by fighting one of them?

Mr. FORAKER. No; we have not fought anybody nor do we propose to fight anybody.

Mr. DANIEL. Were they not directed to fight if the other forces had appeared?

Mr. FORAKER. Our marines were directed to prevent war or bloodshed along the transit that would interfere with its use.

Mr. DANIEL. By force?

Mr. FORAKER. Mr. President, let me ask the Senator from Virginia a question. Does the Senator from Virginia think that the President of the United States should have sat idly by and permitted belligerent forces to come into conflict along that transit?

Mr. DANIEL. Yes, sir; I do.

Mr. FORAKER. And there fight it out and interrupt the use of the transit?

Mr. DANIEL. I think he had no right to prevent it, I say to the Senator very promptly; and that is the issue between us.

Mr. FORAKER. Then, Mr. President—

Mr. DANIEL. While I am up, if the Senator will allow me to

ask him a question, will he kindly inform the Senate whether or not other Secretaries of State have not so expounded the law—Republican Secretaries of State—that we did not have a right to interfere with forces under similar circumstances? Have not Mr. Blaine, Mr. Fish, Mr. Seward, and others so held; and has not that been the settled policy of this country with respect to Colombia?

Mr. FORAKER. I think just the reverse has been the settled policy of this country with respect to Colombia ever since the treaty of 1846. I think it has been the settled policy of this country, whenever war or bloodshed was threatened in the neighborhood of or along that transit, to land our forces to prevent it.

Mr. DANIEL. And to attack one of the other forces?

Mr. FORAKER. We did not attack anybody there.

Mr. DANIEL. We did not attack them because they did not come. We had prevented them from coming.

Mr. FORAKER. If they had come, we would have protected the transit.

The PRESIDENT pro tempore. Senators must observe the rules of the Senate and address the Chair when desiring to interrupt each other. The Senator from Ohio [Mr. FORAKER] has the floor.

Mr. FORAKER. If they had come and had attacked our forces, or had attacked anybody else who was in the use of the transit, and had by force and violence prevented the use of it, or had obstructed or embarrassed its use, it would have been the duty of the United States to relieve that situation, and for such a purpose they had the right, and that right has been exercised over and over again, to land the marines and make such use of them as might be necessary. We have never undertaken to attack anybody.

Mr. DANIEL. Will the Senator from Ohio permit me to ask him another question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FORAKER. I will yield to the Senator from Virginia as much as he thinks I should yield to him.

Mr. DANIEL. I thank the Senator for his courtesy. My only object is to get at the truth of this matter. My understanding of the dispatches which have been communicated to us by the President is that the naval forces of the United States were directed to land and to intervene to prevent the troops of the friendly Republic of Colombia from getting to the insurrectionary troops of Panama. Is not that the understanding of the Senator?

Mr. FORAKER. I do not so understand the dispatches, Mr. President. I have not seen anything in the dispatches that goes to that extent. The dispatches show that it was the order of the President, properly communicated to our representatives, that our marines there should land, and that they should protect that transit from interruption; and in that behalf they should not allow any conflict between any military forces along that transit.

That is our duty, Mr. President, under the treaty of 1846; and if in the discharge of that duty, which we are under a solemn obligation to perform, Colombia was deterred from coming there to attack the insurgents, that is a mere incident of the discharge of our duty, for which we have no responsibility whatever.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Yes.

Mr. CARMACK. When the Senator says that the orders of the President were intended to prevent war, does he not mean that they were intended to prevent war between the Republic of Colombia and the insurgents in Panama?

Mr. FORAKER. Not at all, Mr. President. They were intended to prevent war between those forces or any other forces along the line of that transit. They could do all the fighting they wanted to do, removed from that transit. We were seeking to protect the transit; nothing more. That was our obligation in Panama.

Mr. CARMACK. I want to ask the Senator one more question. We have had to protect that transit frequently; but did it ever before occur that this Government assumed the right to prevent Colombia from landing her own troops upon her own soil to suppress an insurrection against her own Government?

Mr. HALE. Will the Senator from Ohio let me ask him a question?

Mr. FORAKER. As soon as I answer the question of the Senator from Tennessee.

We never had this precise case before, but we have in other instances prevented Colombia from transporting troops over this transit. That has been done repeatedly.

Mr. CARMACK. I know, but if I understand it, we never went to the point of saying that Colombia should not land her troops in Panama. This was done, I will suggest to the Senator,

before there was any movement of insurrection in Panama. An order was given that the troops should not be allowed to land before there was any movement of insurrection in Panama.

Mr. SPOONER. Will the Senator from Ohio permit me a moment?

Mr. FORAKER. As soon as I have answered the Senator from Tennessee.

We did not prevent Colombia from landing her troops in Panama. She could land them at any place in Panama she saw fit to land them, except only in the neighborhood of this transit.

Mr. CARMACK. No.

Mr. HALE. What I want to ask the Senator—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. Certainly.

Mr. HALE. I want to ask the Senator is not this whole thing a question, under the treaty of 1846, of protecting and keeping free the transit? The President, in whatever he did, restrained Panama equally with Colombia. Had Panama's position been one of hostility to and interference with the transit across the Isthmus, would not the President's action have been precisely the same, and was he in any way restraining one more than another in protecting the transit?

Mr. FORAKER. Not at all. I am much obliged to the Senator from Maine for that statement. I have been trying to get an opportunity to make that identical statement.

We were not intervening in hostility to Colombia; we were not intervening in hostility to anybody; but we were intervening in behalf of peace, to discharge our treaty obligations, and to preserve that transit from interruption.

Mr. CULBERSON. Mr. President—

Mr. FORAKER. And to stop bloodshed. Now, Mr. President, the result of what was done by the President is his best vindication. The revolution has been a bloodless revolution. If it ceases to be bloodless, and war and loss of life are to ensue, it will be because of a responsibility that does not rest on the President, but upon those who make such speeches as indicate that here in the Senate of the United States an opinion prevails, for which there is absolutely no warrant, that the President of the United States committed wrong against the Government of Colombia.

Mr. CULBERSON. Mr. President—

Mr. DANIEL. Will the Senator permit me to ask another question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I do.

Mr. CULBERSON. I understood the statement of the Senator from Ohio to be that the President's directions were that no troops of Colombia should be permitted to land in the vicinity of the transit. I call the Senator's attention to the instructions themselves, if he will permit me to read the sentence. This is dated November 2, before the revolution even:

Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

I will ask the Senator if that does not prevent the landing of any Colombian troops at any point within 50 miles of Panama, the beginning of the transit?

Mr. FORAKER. Certainly it does. That is exactly what I have stated. It prevents the landing of Colombian troops at either terminus, at Colon or at Panama, or in the neighborhood of the transit; that they should not be allowed to land in such proximity as that by a day's march they might come upon the transit and precipitate war and bloodshed.

Mr. DANIEL. Does the Senator consider 50 miles within the neighborhood of the transit?

Mr. FORAKER. The distinguished Senator from Virginia knows that 50 miles is not very far away for light marching troops; that if they are allowed to concentrate an army within 50 miles of the transit, it is only a day's time to precipitate a conflict, war, and bloodshed. I think it was a wise order the President gave in that respect. How far away would the Senator require troops to be landed in order that they might not interfere with the transit?

Mr. DANIEL. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. Yes; I yield.

Mr. DANIEL. Was it not the duty of Colombia herself to protect that transit?

Mr. FORAKER. It may have been.

Mr. DANIEL. Was it not her primary duty?

Mr. FORAKER. Colombia was not protecting the transit.

Mr. DANIEL. Were not her troops going there to protect it?

Mr. FORAKER. I have not the dispatches before me; but if my information is not incorrect and if my recollection is not at fault, Colombia made a request of the United States that we send our troops there at this very time for the purpose of preserving order, as we were required without any request from her to do by the obligations of the treaty.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. I yield.

Mr. CARMACK. I call the Senator's attention to the fact that Secretary Hay, in a telegram to our consul after this revolution had occurred, told him to express to the authorities of Panama that they would be expected to defend the transit under the treaty of 1846; that is the substance of it. In other words, that the new State of Panama, inheriting the obligation that had belonged to Colombia under the treaty of 1846, was itself under obligation to protect and defend the transit. If Panama had that right under the treaty of 1846, Colombia had the right under the treaty of 1846.

Mr. FORAKER. Mr. President, I am not going to answer that argument in the way in which it is advanced by the Senator from Tennessee, for I have already answered it. The complete answer to it is in the fact that we have always interpreted our treaty obligation to require of us that whenever the transit is threatened from any source whatever it is our duty to protect it.

Mr. CARMACK. Without being asked to do so by Colombia?

Mr. FORAKER. Without being asked to do so by Colombia or anybody else. It is our solemn treaty obligation. If Colombia does not do it, it is for us to do it, and we can not ignore it.

Mr. CARMACK. But Colombia must have a right to try to do it, must she not?

Mr. FORAKER. But Colombia was not coming there to preserve order. Colombia was coming there to wage war—

Mr. CARMACK. Upon whom?

Mr. FORAKER. Now, Mr. President, a motion was made to lay this resolution on the table. I am sorry that under the proceedings which were had it is impossible for that motion to be voted upon at this time. It ought to be voted upon at this time that this resolution might be disposed of immediately, because it is just such resolutions as this and just such speeches as we have been listening to here that are calculated to make war and bloodshed.

The Senator from Georgia sent up to the desk and had read a letter from the former consul, Mr. Smythe. I wish to call the attention of the Senate to one paragraph in it. It was all read, I think.

Mr. GALLINGER. It was all read.

Mr. FORAKER. I think it was all read. It has been suggested by some one near me that a part of it was not read.

The PRESIDENT pro tempore. It was all read.

Mr. FORAKER. I think it was read; but what I want to call attention to is this statement of President Marroquin, of Colombia.

As high an authority as President Marroquin permits me to quote him. In answer to a message from me he sent me the following and gave permission for the cabling of these latest and authentic facts concerning the situation here:

"The people of Colombia still hope that actual conflict may be averted through Democratic intervention in the Senate."

Mr. CARMACK. I hope so, too.

Mr. FORAKER. Now we have the open avowal from one of the most distinguished Democrats in this body that he does hope that through Democratic intervention that result may be accomplished.

Mr. CARMACK. Bloodshed prevented.

Mr. FORAKER. Well, I am not done yet:

"Personally I count on the assistance of the Democratic party and the great American people to save the sacred rights of Colombia, which have been so scandalously wounded."

Now, Mr. President, we have avowed here in the Senate sentiments precisely the same as those that are being avowed by the officials of Colombia and the same as those that are being entertained by the people of Colombia, according to this cablegram from Mr. Smythe.

Mr. DANIEL. If the Senator will permit a question, has not the Senator the same sentiments as those of the insurrectionists in Panama?

Mr. FORAKER. I understand that we had nothing to do with one side or the other in that conflict.

Mr. MORGAN. It is armed neutrality.

Mr. FORAKER. But if we should ratify the treaty which has been proposed, we would have another and a different kind of an obligation, of which I am not here at liberty to speak, but with

which all Senators are familiar. But for the time pending the ratification of the treaty with Panama, our obligation remains as it has remained there without interruption since 1846.

It is an obligation to preserve that transit from any kind of interruption. If men want to fight there we have a right to order them away and to require them to go away. Acting in that behalf there is nothing unreasonable in the fact that the President should not allow any troops to be landed, for the purpose of making war, within 50 miles of the transit.

Now comes this resolution of which I wish to speak. In the first place, it proceeds throughout upon the theory that our Government has committed some wrong. I challenge Senators on the other side to point out what step has been taken by this Government that was wrong. Let them indicate what point in the President's narration of events they take exception to.

Mr. MORGAN. You will give us time to do that, will you not?

Mr. FORAKER. Yes, certainly; we will give you time.

Mr. MORGAN. All right. All we want is a little time to do it.

Mr. FORAKER. Let us go on and understand what it is in behalf of Colombia that these Senators want to point out as their objection to the President's action. We have this resolution, I say, proceeding upon the theory that there is some great wrong. There is no wrong except only the assertion that in doing what was done, as an incident to it, Colombia was prevented from making war upon Panama along the line of that transit. This resolution, proceeding upon that false idea, declares, first, that the President shall enter into negotiations for a new treaty with Colombia, a treaty by the provisions of which we shall make such reparation to Colombia as she may be entitled to in the judgment of the negotiators and in the judgment of Senators who may vote to ratify such a treaty.

We deny in the outset that there has been any wrong; we deny that Colombia has any claim against us of any kind whatsoever.

Then, in the next place, failing to make such a treaty with her, the President is directed to take the necessary steps to submit this to The Hague tribunal of arbitration.

Mr. President, it seems to me there is no occasion for such resolutions; and it seems to me also that this is a most serious matter, for if this is to have any effect at all it is, as I said a moment ago, to turn a bloodless revolution into one that is to be attended with bloodshed, war, and pillage. We do not want to be responsible for that.

Is it true, as President Marroquin has stated, that the dependence of the Colombians is upon the Democratic party in the United States, or rather the Democratic party as represented in the Senate of the United States?

Mr. MORGAN. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. MORGAN. Are not the Senator and the Republican party and the President all dependent on the Democratic vote for a ratification of the Hay-Varilla treaty, the one that is pending in the Senate?

Mr. FORAKER. Yes; certainly.

Mr. MORGAN. You are dependent on us?

Mr. FORAKER. We certainly hope that there are Democrats who will vote for that treaty, and we certainly hope there are Democrats who will rise above party requirements, if it has been sought to make it a party question, and vote with their country and for its interests.

Mr. MORGAN. Then why does the Senator from Ohio undertake to make this a party question and to devolve the responsibility of the President's action on the Democratic party?

Mr. FORAKER. We do not undertake to make it a party question.

Mr. MORGAN. That is what you are doing.

Mr. FORAKER. We undertake simply to answer those who are trying to make it a party question. Let me inquire of the mover of this resolution whether it was considered in the Democratic caucus?

Mr. BACON. What was the inquiry of the Senator?

Mr. FORAKER. What is the origin of the resolution? Has it been considered in the Democratic caucus, may I ask?

Mr. BACON. Well, Mr. President, I do not think the Senator would have a right to make that inquiry, but I have no objection—

Mr. FORAKER. Then—

Mr. BACON. The Senator ought to permit me, I think, to complete my sentence.

Mr. FORAKER. What is it?

Mr. BACON. Am I not entitled to complete my sentence?

Mr. FORAKER. Certainly.

Mr. BACON. The Senator did not seem to recognize that right. Mr. FORAKER. I beg pardon.

Mr. BACON. I was proceeding to say that the Senator had no right to propound the inquiry, especially in the dictatorial and domineering manner in which it was made, but that I had no objection to saying to the Senator that the resolution originated solely with myself, and that it was never seen by any other human being except the stenographer until after the Senate met this morning, when I showed it to two or three Senators around me.

Mr. FORAKER. I hope the Senator will not think that I asked the question in a domineering or dictatorial tone, or in such a manner. I asked it only because it was suggested on the other side that this was being made a party question. That was said after I had made the statement that we hoped Democrats would vote with us upon these propositions. I asked it in order that I might bring out the fact that I was justified in the belief I had expressed that this was not a Democratic measure; that it had not been introduced or considered in the Democratic caucus, but that it had originated with the very distinguished Senator from Georgia, and that he alone was responsible for it.

Mr. BACON. Absolutely and exclusively.

Mr. FORAKER. I imagined so. I never thought for one moment that it had originated otherwise, and I only wanted to bring out the fact that it was not one of the Democratic caucus measures that had been introduced here by direction of the caucus for the purpose of making this a party question.

Mr. BACON. If the Senator will pardon me for a moment in this connection—

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Georgia to the fact that he must obtain permission to interrupt the Senator holding the floor. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. I yield.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. BACON. I desire simply to say to the Senator from Ohio that as the authorship was definitely ascertained he ought to give to the author credit for sincerity in the statement made when the resolutions were presented, to the effect that it was not designed as a party question, but one in which I hoped all Senators, regardless of party, would sympathize because of the object to avert threatened hostilities.

Mr. FORAKER. Mr. President, I did give the Senator credit for that—at least, in my own mind—and when it seemed that some question had been made about it on the Senator's side of the Chamber I sought to make it perfectly clear, and put it in the RECORD, that the resolution had originated with the Senator alone, and that he did not have a party purpose in view, but that he was proceeding according to what his best judgment directed him to do in order that he might properly discharge his duty.

Mr. CLAY. Will the Senator allow me?

Mr. FORAKER. Now, I have said all I am going to say, and I quit, as I began, with an expression of regret that it is not possible for us to at once take a vote upon the resolution and put it out of consideration in the Senate, and thus show to Colombia that she is being misled, as I fear, by the expressions made by some Democrats, at least, in the Senate, to her very great prejudice.

Mr. CLAY. Will the Senator from Ohio give me his views of the construction of the thirty-fifth article of the treaty of 1846 before he takes his seat? It says:

The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States.

Then again:

And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

Now, I ask the Senator this question, and I simply ask the Senator for the purpose of getting his views. When we guaranteed the neutrality of the Isthmus—it says “of the before-mentioned Isthmus”—does that mean that we guaranteed that the Isthmus shall not become the theater of war in the future, so far as foreign powers are concerned, and also so far as Colombia is concerned in factions and dissensions? When we simply guaranteed the neutrality of the entire Isthmus to prevent foreign countries from going there and entering into war, have we also the right to prevent the people of Colombia from going there and preventing their own people from entering into a war?

Mr. FORAKER. What we undertook to guarantee was that

the transit should be preserved free from interruption, and we undertook to do whatever might be necessary in that behalf, no matter whether its interruption might be threatened by citizens of Colombia, or officials of Colombia, or soldiers of Colombia. Whoever might come there and interrupt it we were bound to suppress, we were bound to preserve the peace, and we were bound to do whatever might be necessary to that end.

Article 35 of the treaty of 1846 has been construed over and again by all the Administrations that have followed since then. There is no question about its construction; neither, in my judgment, is there any question but that every act done by President Roosevelt and every message sent by our Government to Panama in connection with this transaction were strictly within that construction.

Mr. DANIEL. Mr. President, the distinguished Senator from Ohio is always extremely courteous and considerate of all his colleagues in debate. While his manner is animated and forcible, and not thereby less attractive, he has always heard their queries with great courtesy and patience. I thank him for the consideration and courtesy he has shown me this morning in my interruptions of his discourse. He is the first speaker upon this floor who has touched acutely the points in dispute between gentlemen who favor the policy which he does and gentlemen who feel constrained by their sense of what is due to the Constitution of the United States, to our solemn treaties, and to international law to dissent.

Mr. FORAKER. May I interrupt the Senator just a moment?

Mr. DANIEL. Certainly.

Mr. FORAKER. Was the Senator taking the floor on the question? I had yielded it.

Mr. DANIEL. I took the floor to accept the Senator's challenge.

Mr. FORAKER. I thought the Senator wanted to ask me a question is the reason why I was remaining standing. I wish to say to the Senator that I appreciate his appreciation of my courtesy, and I am glad I did not show any domineering attitude toward the Senator from Virginia—

Mr. DANIEL. I am sure the Senator did not.

Mr. FORAKER. As the Senator from Georgia thought I did toward him.

Mr. BACON. I hope the Senator from Virginia will permit me to say that in a moment of possibly too much feeling I used hasty language to the Senator from Ohio, than whom there is no man in the Senate I hold in higher esteem.

Mr. SPOONER. I am glad that the controversy need not be referred to the tribunal at The Hague. [Laughter.]

Mr. BACON. The Senator will mark the fact that the resolution proposes that the United States and Colombia shall settle their differences between themselves, and only go to The Hague in case they can not. That is the same solution I now tender to the Senator from Ohio, which I hope he will receive in proper spirit.

The PRESIDING OFFICER. The Senator from Virginia will proceed.

Mr. DANIEL. While this state of excellent good feeling is existing, and while I am in somewhat good humor myself now, I may at some time in the future be a little impatient, and I beg to bespeak the charity of my friends beforehand.

The Senate can not have been unobservant of the fact, nor do I think the country will be unobservant of the fact when it has awakened to the reality of the differences in this Chamber, that the distinguished Senators who have heretofore addressed themselves to this subject have avoided or touched gingerly the real issues.

The distinguished Senator from Massachusetts [Mr. LODGE] made an elaborate argument, in which he poured an encyclopedia on recognition in the forefront of his speech and then glided tenderly over the points in dispute.

The Senator from Ohio challenges this side to put their fingers upon the points in this policy which they object to. I accept that challenge, and I accept also the statement of his own side, which the Senator to-day has made more clearly and more manfully and openly than any of his predecessors. He declares it to be his judgment and puts this question upon the ground that it was the duty of the United States, under the treaty of 1846, to see to it that an open transit was preserved across the Isthmus.

That is one proposition. A second proposition was that it was the duty of the United States, in consequence of its right to protect an open transit, to send the armed forces of the United States to keep the State of Colombia, which was the owner and sovereign of that country, from landing troops in the vicinage of the transit line, or within 50 miles thereof; and, thirdly, that this was in accordance with the historical precedents of the United States.

I will reverse the order in which I join issue with the honorable Senator. First, I deny that it is within the historical precedents

of the United States, either as to Colombia or as to any other nation.

It is singular enough that Mr. Loomis, the Assistant Secretary of State, who on behalf of the Administration took the American people into his confidence, has cited none; that the President of the United States has cited none; that the distinguished member of the Foreign Relations Committee and the distinguished Senator from Maryland [Mr. McCOMAS] have cited none, and that the Senator himself has as yet cited none. I ask the production from those Senators and challenge the production of precedents to the effect that the United States of America may send her armed forces, naval or military, to interfere with the armed troops of a friendly nation in defending her sovereignty, her property, or her territory. That is the point I make.

Mr. LODGE. Mr. President—

Mr. DANIEL. One minute, if the Senator pleases.

Mr. LODGE. I thought the Senator asked for precedents.

Mr. DANIEL. A little later I will be very glad to yield to the Senator.

Now, Mr. President, the Senator has assailed by his main proposition the career of his own party in this country. If M. Varilla, who seems to have been imported into this country from France by way of Panama to instruct its people in their international duties upon the hustings, is to be followed in attacking the State Department of the United States in its administration for a generation, the people of the country ought to understand it. I will read to the Senator from a great Secretary of State, a man of as high intelligence as ever occupied that seat near the President. Here is what Mr. Seward said about this treaty:

Neither the text nor the spirit of the stipulation in that article by which the United States engages to preserve the neutrality of the Isthmus of Panama imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation—

Says Mr. Seward—

was to guarantee the Isthmus against seizure or invasion by a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party.

That has been the position which the Republican party of this country has honorably and worthily occupied for over thirty years respecting this identical matter. In 1873 this same matter came before Hon. Hamilton Fish, of New York, as Secretary of State. He announced from the State Department the following doctrine:

This Government, by the treaty with New Granada of 1846, has engaged a guaranty of neutrality of the Isthmus of Panama. This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions.

Does the Senator from Ohio consider that the troops of Colombia and Panama were local factions?

Mr. LODGE rose.

Mr. DANIEL. As soon as I finish this quotation I will yield to the Senator from Massachusetts, who wants to ask me a question:

Although such protection was of late efficiently given by the force under the command of Admiral Almy, it appears to have been granted with the consent and at the instance of the local authorities. It is, however, regarded as the undoubted duty of the Colombian Government to protect the road against attacks from local insurgents. The discharge of this duty will be insisted upon.

Now I yield to the Senator from Massachusetts for a question if he wishes to ask me one.

Mr. LODGE. The Senator made the statement that nobody had referred to any precedent on this matter.

Mr. DANIEL. I said that no one had cited a precedent to that point.

Mr. LODGE. To that point.

Mr. DANIEL. I stated the point, and the point is this: The United States to send its armed naval or military forces to interfere with armed forces of a friendly government in defending itself against local attacks from insurgents.

Mr. LODGE. The precedents were cited by the President in his message—the precedents of 1900, 1901, and 1902, in which precisely the same instructions were given that were given in the year 1903. Colombia invited us to come there. We have taken the ground—

Mr. DANIEL. Colombia invited us to come?

Mr. LODGE. I only want to point out precedents. I will not read them. We have taken the ground—

You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit.

That was in 1900. We follow that universally.

Mr. DANIEL. Did not that apply only to the transit?

Mr. LODGE. Certainly; and so has the President's order applied only to the transit.

Mr. DANIEL. Does the Senator mean to say that it was not the obvious purpose of the United States to prevent the Colombian Government from suppressing the insurrection?

Mr. LODGE. I do not think there is anything of the kind. I

think the object was to preserve the transit and stop the fighting; and both parties were protected.

Mr. DANIEL. How? By taking the side of one party?

Mr. LODGE. We did not take the side of one party.

Mr. DANIEL. We did not, because the other party did not appear.

Mr. LODGE. We prevented the insurgents from attacking Colombia. They tried to move their men and we prevented that. It is all stated in Captain Hubbard's letters. He prevented the insurgents; they said it themselves. That is not taking sides. We held the balance absolutely even. The result was that the people of Panama got their independence. There is no doubt of the result.

Mr. DANIEL. If the Senator is done asking his question, I would like to continue.

Mr. LODGE. I beg the Senator's pardon; I rarely interrupt the Senator. He interrupted the Senator from Ohio so frequently I did not suppose he would mind my asking the question.

Mr. DANIEL. As I understand it, then, the United States troops were sent there to prevent the insurrectionists from attacking Colombia.

Mr. LODGE. Oh, no; to prevent Colombia from attacking the insurrectionists.

Mr. DANIEL. That is what the Senator states.

Mr. LODGE. The order was distinct.

Mr. DANIEL. I understand the orders.

Mr. LODGE. It was:

Prevent landing of any armed force with hostile intent, either Government or insurgent.

That is exactly what was done, and that it was our duty to do.

Mr. DANIEL. It could hardly be supposed, Mr. President, that Colombian troops moving could have hostile intent to any but those who were hostile to her. As I now understand the Senator from Massachusetts, the armed forces of the United States were sent within the territory of a friendly nation to prevent the troops of that friendly nation from interfering with a hostile intent, with an insurrection in that friendly nation. That is the declaration, as I understand it, of the Senator from Massachusetts, and that is this matter as I apprehend it.

Mr. LODGE. The Senator does not quite state me. I do not desire to interrupt the Senator, but he does not quite—

Mr. DANIEL. I shall be very glad to hear the Senator's statement.

Mr. LODGE. My statement is that they were landed to protect American property and citizens and the transit, and maintain the peaceful transit over the Isthmus. In so doing they operated equally against the Government and insurgent troops. I think that is the whole case.

Mr. DANIEL. In so doing they stepped between two lines of battle and commanded the peace between a friendly government that then had her minister at the capital of the United States and a little insurrection which was noticed by this country in official dispatches a day before it took place.

Now, then, to that I address myself, and I will cite again the Secretaries of State, who were placed by the Republican party of this country in that high station, to illuminate this very matter, and who have declared the law to be that which I now confirm it to be, in my own opinion, and who, in my humble opinion, no constitutional or international lawyer of repute in his profession can dissent from as to its integrity, its justice, its clearness, or its properly meeting the issue.

I read again, in answer to the Senator from Ohio, from Mr. Fish. He says:

This Department deems it important, in the interest of general commerce, and especially of the carrying trade of that route, that these disturbances should be guarded against. By the treaty with New Granada of 1846 this Government has engaged to guarantee the neutrality of the Isthmus of Panama. This engagement, however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions; but it is regarded as the undoubted duty of the Colombian Government to protect it against attacks from local insurgents.

When the Government of Colombia was marching its troops to suppress a local insurrection, and, as we have the right to assume, as there is no suggestion to the contrary, to protect its interests in and to defend that transit, the United States held before them a line of battle and warned them off.

I will read, Mr. President, from William M. Evarts, of New York, Secretary of State. He is addressing himself to the very point upon which the Senator from Ohio has challenged this side of the Chamber. I will permit him to give his answer:

But it can not be overlooked that by the thirty-fifth article of the treaty of 1846 the United States has not only, "in order to secure to themselves the tranquil and constant enjoyment" of the advantages of that treaty, undertaken to "guarantee positively and efficaciously to New Granada the perfect neutrality of the before-mentioned Isthmus," but they have further obliged themselves to "also guarantee in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory."

How is it, Mr. President, that from Loomis, from Varilla, and

from all the diplomatic and Senatorial expounders of this treaty we hear nothing but one side of the question, and that nothing is said about another guaranty that is in this treaty, given in consideration of the very right of transit to American troops and persons passing across that Isthmus? Mr. Evarts calls attention to it and makes the reminder that we have guaranteed in the same manner the rights of sovereignty and property which New Grenada has and possesses over the said territory, and it is not debated that Colombia is in that respect her successor. Now, his conclusion:

While, therefore, the United States have perfect confidence in these representations, as well as in the strong friendship of the French Government, it can scarcely be denied that such a concession to foreign subjects would introduce new questions of relative rights and interest, affecting both the sovereign and proprietary rights of the Government of Colombia and such as would seriously enlarge the responsibilities of our treaty guaranty; and this Government feels that it is not unreasonable in expecting that any concession involving such consequences should be a subject of joint consideration by, and that its details can scarcely be settled without a preliminary agreement between, the Governments of Colombia and the United States as to their effect upon existing treaty stipulations.

In answer to the query which the Senator from Maine [Mr. HALE] made to the Senator from Ohio [Mr. FORAKER], I beg to read a few lines from a distinguished publicist from his own State. It was no less than the brilliant and able James G. Blaine. He wrote in 1881 as follows:

The United States recognizes a proper guaranty of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and in the last generation every step was taken by this Government that is deemed requisite in the premises. The necessity was foreseen and abundantly provided for, long in advance of any possible call for the actual exercise of power.

In 1846—

He adds—

In 1846 a memorable and important treaty was negotiated and signed between the United States of America and the Republic of New Granada, now the United States of Colombia. By the thirty-fifth article of that treaty in exchange for certain concessions made to the United States we guaranteed "positively and efficaciously" the perfect neutrality of the Isthmus and of any interoceanic communications that might be constructed upon or over it for the maintenance of free transit from sea to sea—

Then he says—

and we also guaranteed the rights of sovereignty and property of the United States of Colombia over the territory of the Isthmus as included within the borders of the State of Panama.

Mr. President, on the 2d day of November, 1903, we were in complete peace with the friendly Government of Colombia. If she had committed any unfriendly act toward this Government, Congress had not been apprised thereof by any Executive message. At that time, while this treaty was extant under which we stood before the world and guaranteed to that Republic the sovereignty of her territory, we sent armed troops into that territory, not to suppress an insurrection, but to prevent that friendly Government from exercising the highest necessary right of sovereignty—to defend itself.

Now, Mr. President, this is a painful subject to me. Allusions to Democratic party and to Republican party have been made on both sides of this Chamber. I wish to say for myself that there never has been a Democratic President of the United States or a Democratic party in this country that was strong enough to make me support this procedure. It has been my fortune, or misfortune, in politics some time to disagree with the Administration of my own party. It has also been my misfortune, or fortune, as you may look at it, to disagree with the leaders of my party. If the party of Mr. Bryan and Mr. Cleveland and of Mr. Cleveland's predecessors in office, from George Washington to this time, were to propose such things as are now proposed to a body of which I was a member, I would not sustain them; and while we are seeking to make the noblest example of a free, just, and honorable nation before the world, they ought not, in my judgment, to be sustained by any man, to whatsoever party he belongs.

The PRESIDENT pro tempore. The Chair lays before the Senate, under the rule, the General Order, which will be stated.

The SECRETARY. Order of Business No. 12, Senate resolution 27, by Mr. PENROSE, instructing the Committee on Post-Offices and Post-Roads to direct the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department, etc.

Mr. HALE. I had intended to submit some remarks, not much extended, on the Post-Office resolutions this morning, but they evidently will not be reached to-day, and I ask that they all go over until to-morrow morning, to be called up after the routine morning business.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the resolutions known as the Post-Office resolutions may go over until to-morrow morning, to be called up immediately after the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPOONER. This matter is still under consideration, I suppose, only by unanimous consent.

The PRESIDENT pro tempore. It can only be under consider-

ation by unanimous consent, for there is nothing pending before the Senate except the first bill on the Calendar of General Orders.

Mr. HALE. I do not suppose, as debate has gone on by unanimous consent so far, that any Senator will now object to other Senators discussing it.

Mr. DANIEL. Certainly not.

Mr. SPOONER. Mr. President, I do not intend to discuss at this time the general subject or the rights and duties of the United States under the treaty of 1846. Later I intend to ask the Senate to permit me to discuss with some fullness the various propositions which are really involved, as I conceive it, in the subject.

I do not any more doubt the sincerity of the Senator from Georgia [Mr. BACON] and his patriotism than I do my own or that of any other man in the world. I have, and I did it from my heart and without reservation, hitherto had occasion to pay tribute to that Senator for his silence—dignified, manly, and patriotic—in the midst of utterances on that side of the Chamber which could be nothing less than an encouragement to the prolongation of war being waged against the United States. But I can not divest myself of the belief that this resolution in the circumstances is a mischievous one, not possible to be productive of any good to this country or to Colombia, and pregnant with possibilities of danger to both.

The spectacle which we have afforded to the world, Mr. President, must have caused astonishment. We have been debating here for weeks a proposition which the Senate was asked to endorse, declaring that an act of war has been committed by the United States against the Republic of Colombia.

Mr. BACON. This resolution?

Mr. SPOONER. No, sir.

Mr. BACON. Oh, I beg pardon.

Mr. SPOONER. No, sir.

Mr. BACON. Well, I beg pardon.

Mr. SPOONER. A proposition that the United States has committed an act of war against the Republic of Colombia while that Republic has not yet said so, but has been in full diplomatic relations with the United States, and is to-day.

Some things have happened. They are accomplished. The President recognized the Republic of Panama. He received a minister from the Republic of Panama. The great nations of the earth have recognized the Republic of Panama. Nicaragua, Costa Rica, Peru, and Cuba have recognized the Republic of Panama. The Senate has concurred in the action of the President accrediting a minister from the United States, with full diplomatic capacity, to the Republic of Panama. The President has entered into and sent to the Senate—and that has been made public, and I have a right to refer to it—a treaty with the Republic of Panama.

Those things have occurred. They mean something and they have some effect in international law. Some of the steps by which these results have been reached will be criticised. That is the right of Senators; that is the right of the press; that is the right of the people. But those criticisms will be for influence upon our own constituencies, not for effect upon the transaction or the status as it actually exists. The injustice of such criticism will be easily shown.

This resolution can not help, can not overturn. On the contrary, it recognizes the status. It can not do otherwise, Mr. President, than to encourage a hope in Colombia which for the time at least will be disappointed; and I confess my surprise that in the Senate of the United States, made by the Constitution a part of the executive power of the United States so far as our foreign relations are concerned, while those relations are strained with the Government perhaps to the point of breaking, Senators should so confidently assert here that there will be war between the United States and the Republic of Colombia. It is such utterances in the presence of the world, and in the old days of the Senate they would not have been made in the presence of the world, which, in my opinion, tend to cause war.

Mr. MORGAN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. The Senator, in my opinion, has never seen any day at all, no matter how antiquated, in which the truth could not be told in this body.

Mr. SPOONER. Oh, Mr. President, I have seen such days, and so has the Senator from Alabama. I have, during my short and entirely uneventful career in this body, a number of times known a Senator to be interrupted by a motion to go into secret session, which, being seconded, took him off the floor so far as the world was concerned.

Mr. MORGAN. I am not speaking of the galleries; I am talking about the Senate.

Mr. SPOONER. And, Mr. President, that was not because he was speaking what he thought was not true. Many times many of us have thought he was speaking the truth, but it was because

the situation was such that we, a Senate of the United States, a part of the treaty-making power, could not safely for the public interest, which we are here to conserve, say in the presence of the world what we might safely say in the presence of each other.

If there is not a collision, Mr. President, between the Republic of the United States and the Republic of Colombia it will not be the fault of some gentlemen here at home, in my opinion. The question mooted by the Senator from Georgia—

Mr. DANIEL. Does the Senator think sending our troops there is having anything to do with it?

Mr. SPOONER. I think it is susceptible of demonstration that our troops are where they have a right to be. That is what I think; and I think the statement made by the Senator from Virginia as to the true import of the transaction of which he complains, analyzed, is not supported by the documents. I think what he arraigns the Administration for, and what he criticises in the use of troops at Panama prior to the insurrection, the President of the United States is to be praised for, not blamed for. I undertake to say, Mr. President, if there had been no treaty of 1846 and a war ship of the United States had been in Panama or Colon under the circumstances, those troops would have been landed and utilized as they were, if the Government were not too pusillanimous to be beneath contempt.

This is not a party question. I have never called it a party question. I have never treated it as a party question. Some questions reach a point where they become national American questions, Mr. President, hardly susceptible of party division. I have never believed for one moment that there would be a division upon this subject upon party lines, and I hope the day never will come when mere partisan politics will creep into the action of this body as a part of the treaty-making power. But the proper time for criticism will come. That time will be when it involves no danger of strife.

Mr. President, it is worse than useless, it is dangerous, in my opinion, and I speak only for myself, to impeach the honor of the Government—the Administration, I will say, in this environment.

I am not going at large into this subject. I hope the Senator from Georgia [Mr. BACON] will allow the resolution to be voted upon, and voted upon now. If Senators on the other side want to make a sharp issue they can easily make it. When I say "Senators on the other side," I do not mean all Senators on the other side; I mean the Senators who feel so intensely upon this subject—and I do not dispute the sincerity of any of my colleagues—can make it. They can propose that there shall be undone what has been done. They can invite both Houses to adopt a resolution that it is the sense of Congress that the President withdraw the war ships and withdraw the marines from Panama, except such as are needed to protect the mere railroad line, to permit the passage of cars and locomotives, and to interpose no obstacle to the overthrow of that Republic and to the reinstatement of the lost—I will call it—sovereignty of Colombia. That is the logical result of these contentions; that is the only way to right this wrong, as some Senators consider it a wrong.

Of course, Mr. President, I think such a resolution would receive very few votes in the presence of the American people, North or South; and the people South and the people North on questions like this are alike. I doubt if on such a resolution many Senators on the other side, who speak with such intensity—feeling, of course, just as they speak—would face the music and vote for it.

Mr. President, what was done at Panama? Did the United States, prior to the insurrection, prevent Colombia from landing her troops there to repress disorder? It has been assumed from these papers that we did. The record shows to the contrary. As I understand it, all the troops which Colombia, prior to the recognition by this Government of the Republic of Panama, sent to that Isthmus to repress disorder landed upon that Isthmus without let or hindrance from the Government of the United States.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Always.

Mr. CARMACK. Were not orders given, however, to our naval commanders to prevent the landing of Colombian troops?

Mr. SPOONER. Do you mean before the recognition of the Republic?

Mr. CARMACK. Yes, sir.

Mr. SPOONER. I will speak about that, but that is sticking in the bark.

Mr. CARMACK. I do not think so.

Mr. SPOONER. Well, then, I must be wrong.

Mr. CARMACK. Why, of course you are. [Laughter.]

Mr. SPOONER. But I think that is sticking in the bark. I do not think that the people of the United States will try and judge the Administration—and when I use that word I do not speak as a Republican—on the language of a cablegram sent, not to Colombia or to the world, but to one of our naval officers. It will

be judged, as it ought to be judged, by what was done, not by what was written. But what was written, Mr. President?

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield?

Mr. SPOONER. Yes.

Mr. CARMACK. If the Senator is going to read that, I will not interrupt him.

Mr. SPOONER. Going to read what?

Mr. CARMACK. Going to read what was written.

Mr. SPOONER. Of course I am going to read what was written.

Mr. CARMACK. Then I hope the Senator will read it.

Mr. SPOONER. I am not afraid of what was written.

Mr. CARMACK. Of course, we all know that.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Always.

Mr. CARMACK. We all know the Senator from Wisconsin is not afraid of anything.

Mr. SPOONER. I did not mean that.

Mr. CARMACK. We do not accuse him of being afraid of anything.

Mr. SPOONER. I did not mean that. The Senator knows that I was not speaking in the language of braggadocio or vouching my personal courage at all. I mean there is nothing in this language that I have occasion to be afraid to read. The Senator knows what I meant.

Here is the cablegram:

Maintain free and uninterrupted transit.

That no one objects to. My friend from Virginia [Mr. DANIEL] does not object to that.

If interruption is threatened by armed force, occupy—

What?

Mr. DANIEL. That was not our duty under the treaty.

Mr. SPOONER. No, Mr. President, not our duty under the treaty, but our right under the treaty, and our right without any treaty in view of the fact that it was an American corporation, whose stock was partly owned by American citizens; and if there had been no treaty our right to protect that railroad, to prevent interruption of that transit, to prevent the shelling of the depots and the buildings of that railroad company, would have been a perfect right.

If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent—

I agree with the Senator from Virginia that this did not mean hostile intent toward the railroad—either government or insurgent.

That explains it all. The Government of the United States did not intend that the line of that transit should become the theater of military operations between Colombia and the inhabitants of Panama; or, if you please, the insurrectionists. Colombia had guaranteed the freedom of transit, and we had made certain guaranties also. If Colombia failed in her guaranty, her duty, her failure to discharge it gave us a right to protect that transit, or the whole treaty stipulations was an empty and useless thing.

It was the duty of Colombia, with the warnings she had had as to the sentiment and purposes on the Isthmus, to have anticipated that disorder by seasonably providing an adequate force to discharge her guaranty; and if she failed to do it until there had been such organized insurrection on the other side as would lead inevitably, when she attempted to do it, to war on the line of transit, the United States, in that failure of treaty duty by Colombia, had not only the right but the duty to say, "You shall not fight on this line of railway; you shall not interrupt by military operations this right of transit or the fact of transit."

Mr. DANIEL. Or "within 50 miles of Panama."

Mr. SPOONER. Or within 50 miles. I would not perhaps have put that in the cablegram, but it is there, and there is some sense in it, too, because the Senator must admit that there could have been no contest there except at Colon, Panama, or the intervening territory. That would have been the theater of the fight inevitably, and that, because of the tardiness of Colombia in preparation, gave the United States some rights which, under ordinary circumstances, it might not possess. Criticise this cablegram or the officer, if you choose, I care not now to say more about that.

Colombia did not receive that cablegram or know of it; nor did the officer receive it to whom it was sent, or know of it. The officer did not receive it, Mr. President, until the 3d day of November at about 10.30 o'clock, and before that time a Colombian gunboat had arrived at Colon with 400 troops, sent by Colombia to repress disorder on the Isthmus, and they were permitted by this level-headed officer, acting entirely on his own responsibility and the precedents, to land, and they did land at Colon,

and their generals—for they had two or more general officers with this army of 400 men—proceeded by rail to Panama, where they were arrested by the insurgents and thrown into prison. That gave Colombia, the papers show, about 500 men on the Isthmus.

Now, how did the marines happen to land? The Senator from Virginia spoke about a battle line. I do not find the battle line we drew. The officer who commanded the *Nashville* has told that story.

There was not an American soldier, Mr. President, on shore when the Colombian troops landed, so far as these papers show, and there was but one war ship in the harbor, and that was the *Nashville*. Let me read this:

U. S. S. NASHVILLE, THIRD RATE—

One of the smaller ships—

Colon, U. S. Colombia, November 5, 1903.

SIR: Pending a complete report of the occurrences of the last three days in Colon, Colombia, I most respectfully invite the Department's attention to those of the date of Wednesday, November 4, which amounted to practically the making of war—

Not by the United States against Colombia—

the making of war against the United States by the officer in command of the Colombian troops in Colon.

Mr. TELLER. That is the officer's idea of war.

Mr. SPOONER. Wait and see what it was.

At 1 o'clock p. m. on that date—

Does the Senator from Colorado dispute the right and duty of the commander of the *Nashville* to land those marines under the circumstances detailed by him, and to use them as he did?

Mr. TELLER. No, Mr. President, I have not; but I do dispute the statement he makes that any act of the Colombian Government was an act of war against the United States.

Mr. SPOONER. That was a mere opinion. That might have been repudiated by Colombia.

Mr. TELLER. The Senator is putting that forward to show we did not begin the war, but that Colombia did. There is no war at the present time on the transit.

Mr. SPOONER. I am not disputing that. I am only reading this report in which that occurred.

At 1 o'clock p. m. on that date I was summoned on shore by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama Railroad. The consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3d of November by the Independents—

Not by us—

and held as prisoners, were not released by 2 o'clock p. m., he (Torres) would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested. I advised that all the United States citizens should take refuge in the shed of the Panama Railroad Company, a stone building susceptible of being put into good state for defense, and that I would immediately land such body of men, with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to, and I immediately returned on board, arriving at 1.15 p. m. The order for landing was immediately given, and at 1.30 p. m. the boats left the ship with a party of forty-two men—

Think of it—forty-two marines—

under the command of Lieut. Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing, I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and protect the lives of the citizens assembled there—

Right on the line of transit, in one of the railway buildings on the line of transit, filled with American citizens, some foreigners, and women and children, who, frightened, had fled to that place for protection under the flag of the United States against the threat of the Colombian officer—

not firing unless fired upon, etc.

Can any man justly criticize the action of that officer under the circumstances? Is there a government in the world that would not have cashiered an officer if in that situation, treaty or no treaty, he had failed to respond to that call? Whether the call was justified or not, it was sufficient to him. It is the duty of a government to protect its citizens all over the world when they are in the right, and that is what this officer did, and that is all he did.

I do not intend to take the time to refer to what transpired there between these 42 marines barricaded in the railway building, one of its freight houses on the line of transit, and to the demonstration made there against them by the 400 Colombian troops. Those 42 marines did not drive out the 400 Colombian soldiers, but they left.

Mr. MORGAN. They were bought out.

Mr. SPOONER. The Senator says they were bought out. That is legitimate for a revolutionary junta.

Mr. MORGAN. That is the fact, though.

Mr. SPOONER. I do not know whether it is a fact or not, but Senators can not ask us to be affected at all in our judgment upon

this transaction, nor could the President be, upon what was done by the insurrectionists or revolutionists in bringing about, without bloodshed, their independence. God knows, Mr. President, if ever there was a people in the world who were entitled to relief from tyranny, blackmail, extortion, neglect, and outrage, the people of the Department of Panama were, and I do not know a Senator on the other side who, if he had been a Panamanian—if that is the proper pronunciation—

Mr. MORGAN. Panamanian. [Laughter.]

Mr. SPOONER. Who would not have been an insurrectionist? They were not Panamanians; they were men, Mr. President, who wanted to be free and to have once again a government of their own. They wanted the open way to health, prosperity, and happiness in the future. They were not willing to have the door of hope, and the only hope to that people, barred forever at Bogota. They were not maniacs for that. Panamanians are not all confined to Panama. [Laughter.]

All I intended to say, Mr. President, I have said, but I can not see for the life of me, whatever you may say about a cablegram which was not received, I do not see how the United States, represented by that official, can be criticised for what was done in the landing of the marines, and I do not see that this Government is to be criticised for anything that was done prior to the declaration of independence and the recognition of that independence by the United States. What has been done since then, Mr. President, I shall undertake to justify upon principles of international law, upon reason, and upon precedent on another occasion. I rose mainly to say that I can not in this situation see what good purpose this resolution can accomplish, and to express the hope that we may have a vote upon it.

Mr. TELLER. Mr. President, I am not going to discuss the Panama question. The issue made here to-day was on the resolution offered by the Senator from Georgia [Mr. BACON]. Now, it is asserted that that is a dangerous resolution; it is asserted that it is one which the Senate has not any right to pass, and, if it had a right to pass it, that this is an inopportune time to pass it.

I propose to say a few words about the resolution, but I am not going to raise or argue questions of law with the Senator from Wisconsin [Mr. SPOONER]. I think he and I would agree on most propositions of that kind, although I can not agree with him when he says the Senate is part of the executive department of the Government.

Mr. SPOONER. I said its treaty-making power is.

Mr. TELLER. No; not even that. I am not going to argue that, but I want simply to say that the best authorities in the world have declared—though, of course, this being a *sui generis* case, there is no other, and you can not apply to it precedents obtained anywhere else—that the relation of the Senate to the Executive, so far as the treaty-making power is concerned, is that of a legislative body and not that of an executive body.

Mr. SPOONER. What about the confirmation of appointments? Is not that executive?

Mr. TELLER. That is not executive, either. That is *sui generis*, as I say, unlike anything else in the world. It does not have to be determined to be either executive or legislative. John Adams, Madison, and other fathers of the Republic declared that the relation of the Senate to treaties was legislative, and not executive. But, Mr. President, I do not care to go into that question. I merely wanted to enter a caveat to that proposition.

Let us see, first, whether this is a resolution which is proper to come before this Senate or whether the Senator from Georgia [Mr. BACON], for whose good faith the Senator from Wisconsin [Mr. SPOONER] vouches, has simply made a mistake. What does this resolution propose? Does it propose any direction to the President of the United States? Not at all. Does it invade the right of the Executive in any way by directing him to do this or not to do that? Not at all. It is a suggestion proposed to be made by the Senate of the United States to the executive department of the Government.

I do not know but that in these modern times we shall abdicate and abandon the right of this body to make suggestions to the executive department; but in some cases we have the unquestioned right to direct the executive department.

Mr. President, if any Senator will take the pains to spend a little time in looking over the history of the country with relation to the executive and to this, the legislative, branch of the Government, he will find that the Presidents of the United States have recognized beyond question the right of this body to make suggestions. When Polk was President of the United States on more than one occasion he took the opinion of this body. You can find in the records of the country that he in detail wrote out and sent here a statement, and said, "I wish to consult the Senate as to whether it would be proper and wise to make a treaty on the following lines."

What does this resolution provide? Not that the President shall make a treaty, but that it is the judgment of the Senate

that it would be wise to make a treaty. Is there anybody here who will say under the condition existing that it would not be wise for us to make some kind of treaty with Colombia that would satisfy the Colombians that we do not intend any violence to them? Does anybody believe that it would not be a wise thing for us to make a treaty of some kind, if it could be done without too great sacrifice, to convince all the South American republics that we have not any desire to invade their rights? I do not know whether a treaty could be made with Colombia that would be consistent with the present condition of affairs. I know very well, as the Senator from Wisconsin has said, that what has been done is not going to be undone, and there is no suggestion in the resolution under discussion that anything that has been done is to be undone.

What is the suggestion? To make a treaty that must come here for our approval, and if we will approve it that will compromise and settle all the controversy between us and Colombia.

But if Colombia is not in a frame of mind, or if we are not in a frame of mind, to make a treaty, then what is to be done under this resolution? We are to do what the whole world has been saying ought to be done in national controversies—refer it to the arbitration of the great tribunal at The Hague or a special tribunal to be arranged by Colombia and our Government.

Mr. President, where is the vice in that? Where is the insult to the majesty, to the executive department, of this Government? Where is a violation of any of the decencies and proprieties of this body?

It is not very likely, if we should make an effort to accommodate affairs with Colombia, that Colombia would ask us to return Panama to her embrace. I am morally certain, so far as the executive department of the Government is concerned, and I am equally certain as to the dominant party in this Chamber, that that would be a hopeless effort, and Colombia must know that by this time. Colombia has received from the executive branch of the Government a denial of any attempt to consider even her complaints against us.

I am sorry the Senator from Ohio [Mr. FORAKER] is not in the Chamber, because I wanted to say some things that I shall omit. The Senator from Ohio, with a great deal of zeal and assurance, stands up here and says there is not anything wrong in any act. Mr. President, suppose we should all say there is not any wrong act. Suppose everyone of us admitted that to be the fact now, which, for one, I am not inclined to do. When I shall get the floor with time, I shall try to demonstrate that these acts we complain of are infringements of the rights of Colombia, and not demanded of us by any treaty or by any law of the civilized world. However, I shall not attempt to do that now.

But suppose we were of the opinion that there was no offense. Colombia believes that there is. The entire South American people believes there is. There is not a republic on the American continent that does not feel affronted at our conduct. Although this great nation of ours might feel strong and self-reliant in our ideas that we were right, is it beneath our dignity that we should say to these offended people, "We will submit this question to the arbitration provided by that great conference which was held in Europe a few years ago?"

I know, Mr. President, that we did not accept the treaty made with Great Britain as to arbitration, and it has been repeatedly said that we were opposed to arbitration. What stood in the way of that treaty was a constitutional provision which was ignored in the treaty, that this Senate had the right to pass upon every treaty of every kind and every character that was made by the Government of the United States. That provision was not in that treaty.

The Senator from Ohio asks, "Who says there is any wrong?" "What Senator is going to point it out?" If the Senator was here, I would say something about the manner in which he addresses us on that subject. He is not here, and I shall pass that by.

On the 17th day of November, in this body, one of the oldest and most respected members of it, a man whose thorough competency to discuss here or anywhere in the world a question of international law nobody will deny, did discuss this question and did indicate as plainly as his words could do that he thought there had been a wrong perpetrated against the people of Colombia.

I know the public press said that the senior Senator from Ohio [Mr. FORAKER] administered to him a stinging rebuke because of his lack of loyalty to his party, but I doubt very much whether it changed that illustrious Senator's views upon this question. The Senator from Ohio knew that the Senator from Alabama [Mr. MORGAN] had taken the floor and discussed the question for a considerable length of time to show that this was not a proper and right thing for us to do.

The morning paper has given us an account of a meeting up at New Haven and of a petition that is to be sent here to be presented by the senior Senator from Massachusetts when he arrives.

Mr. MORGAN. Here is the statement of it.

Mr. TELLER. I have it right here. For the Senator from Ohio to assume that there is nobody complaining of this transaction is not to be quite tolerated without at least a reply. The Senator may think that everything that has been done has been done correctly and properly. He knows very well that many Senators in this Chamber do not think so. Of course they may be wrong and he may be right. They may be prejudiced by their political associations, he thinks. He may be prejudiced by his political association. I have yet to learn that the Senators who sit on the other side of the Chamber are any better qualified to judge upon a question of conscience and morals than those who sit on this side; and I have yet to learn that we who sit on this side of the Chamber are to govern our judgment according to theirs or that of the Executive.

When I read, as I shall do now, this statement from New Haven, there is not anybody here but will recognize that this is a question of more than ordinary political consideration. The men who met at New Haven are men who are entitled to discuss questions of this kind by virtue of their training and by virtue of their ability in the line of international law.

Twenty prominent citizens—

Says the paper—

Twenty prominent citizens of New Haven, headed by Prof. Theodore S. Woolsey, professor of international law at Yale University, have signed and forwarded to Senator GEORGE F. HOAR a petition asking that the Senate defer formal ratification of the Hay-Bunau-Varilla treaty, and that this Government's action in Panama be subjected to careful and deliberate investigation.

Among the signers of the petition are Franklin Carter, formerly president of Williams College; Henry Wade Rogers, dean of the Yale Law School; Frank K. Sanders, dean of the Yale Divinity School; Profs. William G. Sumner and John C. Schwab, of the department of political economy at Yale; Secretary C. A. Lindsley, of the State board of health; the Rev. Dr. Newman Smyth, the Rev. Watson L. Phillips, and Thomas Hooker, members of the board of education, and Samuel L. Bronson, formerly a Democratic candidate for governor of the State.

After declaring that there is a recognized body of law which ought to govern the conduct of nations irrespective of their strength, the petition says that a belief has arisen in the minds of many in this country and abroad "that in our dealings with the State of Colombia we have violated and are about to violate the rules of international law, and that we are adopting a line of conduct toward that country which we would not have taken against a stronger power."

Mr. President, that is an indictment from a source that can not be cried down. The enthusiasm and the energy of the Senator from Ohio had better be directed somewhat to this class of people in the United States if he hopes to quiet this complaint that is so generally rife.

The petition further says that the fact of Colombia's comparative weakness should make us the more careful to avoid the suspicion that we are making an unjust use of our greater power; that the mere existence of such a condition is injurious to our honor and self-respect, and concludes: "We therefore respectfully ask that before final ratification of the Hay-Bunau-Varilla treaty our action in Panama be carefully and deliberately investigated to the end not only that the Republic may do no wrong, but that its good reputation in the world, which is dearer than any gain of lands or trade, should suffer no loss."

Mr. President, that is all I care to read, because that is all really that is pertinent. There are some other things that I leave out.

Mr. President, it will not do for the Senator from Ohio or the Senator from Wisconsin or anybody else to say that when that class of men enter their protest here it is not entitled to consideration, and it will not do for them to say that it is inciting to war. Nor is it reasonable for them to say that of a proposition of this kind made in the American Senate for a treaty that might arrange difficulties between Colombia and ourselves or which provides that in case of the inability to secure such a treaty the controversy between Colombia and ourselves shall be submitted to arbitration.

Mr. President, everybody knows there is a controversy. Everybody knows that the world believes we have gone beyond that which is justified by the law of nations. That the President felt that he had gone beyond what he felt the treaty required is shown by the fact that he not only put it partly under the treaty, but partly under the law of nations, which he has applied, and stated that it was in the interest of civilization that these movements had been made.

Mr. President, the Senator from Wisconsin [Mr. SPOONER] says that it is not an act of war on the part of the President of the United States. The Senator from Wisconsin is an international lawyer of whose ability I have a great opinion, but I believe that his anxiety to shield the Administration with which he is connected colors his views on this subject. I understand it to be an unquestioned principle of international law (I have never known it questioned in the books) that the recognition of a seceding government by another government with intervention at the same time was an act of war. I know it is not an act of war to recognize a government, even although it is unduly and improperly done; but if it is done with an act of intervention in favor of the rebels or the insurrectionists it is by all the authorities in this country and everywhere else an act of war.

If there is not an act of war between Colombia and the United States, it is because Colombia knew that she was not able to cope with us. Does any citizen believe if that had been done with reference to Great Britain there would not have been an active and vigorous war? Could we have done it to France, to Spain even, to Russia?

Oh, no, Mr. President, you can do with impunity with a baby what you dare not do sometimes with a man. When these citizens of New England come here and express the opinion that we have done with Colombia what we would not have done with the great powers of the world they express the opinion that is prevalent everywhere in the United States.

I do not care whether a man defends the action of the President or whether he criticises it, everybody knows that we would not have performed that act had even Canada, a country that we would like to have in our embrace and as a part of our territory, seceded from Great Britain. Does anyone believe we would have said: "We can not afford to have a war on our borders, and in the interest of civilization, in the interest of peace, commerce, and trade, we will say to Great Britain, Keep your hands off of Canada?" Does anybody believe she would have kept her hands off? But we would have been very far from making that suggestion even if conditions had been as they were down there in the Panama country.

Mr. President, I do not know what will be the result of this resolution, whether to-morrow we shall have a motion to lay it on the table, so that we may not vote on it, or whether it will go to the committee.

I submit that as an orderly, decent procedure this resolution should properly go to that committee, and if there is anything objectionable in it, if there is anything reflecting upon the President, if there is any assumption of facts that do not exist, it is then for the committee to arrange it in such a shape as that it shall be unobjectionable in that particular.

There is not a single controverted fact mentioned in the resolution. It is admitted here on this floor to-day. Let me read it:

Growing out of the recent revolution in Panama and the consequent secession of Panama from Colombia and the alleged aid and assistance by the land and naval power of the United States in the successful accomplishment of said revolution and secession.

Now, Mr. President, is that offensive? If so, the committee can readily put it in words that are not offensive. Everybody knows that Colombia is complaining of our action there. As I said before, although we may justify it as a nation, and suppose that all, every man, woman, and child in the nation, justified it, is it beneath our dignity to say to Colombia, "We do not think you have any right to complain, but if you have, you will submit it to the judgment of the tribunal at The Hague, or, if you prefer, to such a tribunal as we may select?"

Mr. President, there would never be any arbitration if both sides had to prove their case beforehand. One side will always assert that it is right and the other will assert that the other is wrong. That is all there is in this resolution. Colombia says that she has an offense against us, that we have treated her improperly. She may say that she does not want to go to war. We know that she can not.

The very fact that Colombia can not go to war ought to appeal to every generous-hearted man in the country to give her an opportunity to show before the world that she has been wronged, and if so to fix what shall be the compensation that she shall receive. I say that every man who is a lover of his country and who is not a lover simply because of her great strength, who does not think of her many millions of wealth, who does not think of her great Army and her great Navy, but thinks of her honor—every such a man ought to wish and hope and work and do his best to see that this question is put where we can be righted if we are right and where we can make atonement if we are wrong.

Mr. BACON. Mr. President, I had intended to reply to the criticisms of the Senator from Massachusetts [Mr. LODGE] and those of the Senator from Wisconsin [Mr. SPOONER]. The resolutions, I thought, were conservative in their character and calculated to effect the very opposite of the opinions which the Senator from Massachusetts and the Senator from Wisconsin anticipate would be effected. The suggestion on my part was to have a reference to the Committee on Foreign Relations, for I had every reason to believe it would receive careful attention, such as the committee always gives to matters before it. In response to that suggestion, the Senator from Massachusetts proposed to treat the resolution with indignity, casting it out even without a reference, and the Senator from Wisconsin, though in very kindly terms, seconds the Senator from Massachusetts, not exactly in the main, but in the ground upon which he predicates it.

I had designed to say something in reply to those Senators, not for the purpose of controversy, but in the hope that I might con-

vince them that the resolution was not entitled to be treated with such indignity and that it was not liable to the criticisms which were bestowed upon it by these two distinguished Senators. But official business doubtless has demanded the absence of those Senators from the Chamber, and I do not feel like proceeding in their absence. Consequently I will forbear, with the hope that on to-morrow I may have at least the courtesy of the opportunity to reply to what they have said.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. CARMACK. I hope the Senator will withdraw that motion for just a moment.

Mr. CULLOM. I withdraw it at the request of the Senator from Tennessee.

Mr. CARMACK. Just for a moment.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Illinois yield?

Mr. CULLOM. I yield to the Senator from Tennessee for the purpose indicated.

Mr. CARMACK. The Senator from Illinois, the chairman of the Committee on Foreign Relations, now being present, I hope when this matter comes up on to-morrow no motion will be made to cut off debate. I desire myself, if I can have the opportunity, to address the Senate on this question.

I shall get the opportunity, sooner or later, I know, but I should like to have an opportunity to-morrow, if possible, to say what I have to say upon the resolution. I would be glad to know that no motion will be made that will cut off debate.

Mr. CULLOM. I have no authority to determine that question. I was not in the Senate when the resolution was introduced by the Senator from Georgia, and I have had very little opportunity, as a matter of fact, to see exactly what its terms are. Objection being made to its further consideration to-day, it went over until to-morrow, or the resolution will go over.

Mr. HALE. It has gone over.

Mr. CULLOM. It has already gone over, and it has been over for a couple of hours perhaps. The resolution will doubtless come up to-morrow, and while I make no agreement about the matter, because I do not feel that I have the right to do so, I suppose that reasonable debate will be allowed. But I hope also that we may dispose of the resolution to-morrow at some time and get rid of it either by a reference or by an actual vote upon the resolution.

Mr. BACON. I wanted to have it referred without debate.

Mr. CARMACK. I have no doubt about that, but I think it is just as well to have debate on it as anything else.

Mr. TELLER. I wish to suggest to the chairman of the Committee on Foreign Relations that the resolution having been discussed at considerable length by the opponents of it, certainly they ought not to cut off anybody on this side. I did not myself care to go into the general discussion of the Panama question, which I intend to do at another time. I confined myself, as the Senator knows, to the resolution and its bearing.

I wish to say to the chairman that nothing will be gained by an attempt to crowd the resolution to a vote. I have no objection to voting on it. I did object to it. I did not know enough about the resolution this morning to vote for it. I can vote for it very cheerfully now. I am not expecting to debate it any further, but if we are cut off on this side from an opportunity to debate it we certainly know how to get an opportunity to debate any question in the Senate that we want to debate, and nothing will be gained by anyone moving to lay it on the table before the debate has taken place.

Mr. CULLOM. The purport of my remarks was that I hoped we would vote upon the resolution itself, after a reasonable discussion to-morrow, and pass upon the question whether—

Mr. TELLER. We will, if nobody wishes to discuss it longer.

Mr. CULLOM. I am ready to vote on it myself at any moment.

Mr. TELLER. You will not, if anyone wants to discuss it.

Mr. CULLOM. The suggestion is made by my distinguished friend from Colorado that we know how to do things in the Senate. There has been evidence enough of that without repeating it in the Senate, it seems to me, in direct terms. It has so happened that it has become the fact that it is almost impossible to do anything in the Senate except by unanimous consent, and I think the time has pretty nearly come when we have got to change our programme if we want to legislate for the country.

Mr. HALE. I hope the Senator will not say that.

Mr. CULLOM. I do say it, and believe it.

Mr. BACON. I should like to have the distinguished Senator state what particular measure has failed in the Senate by reason of debate.

Mr. CULLOM. I am not prepared to say just what measure has failed, but we all know that discussion goes on and on almost

forever before we can get to the point of finally disposing of a measure, whatever it may be. I am the last man, as I think the Senate knows, to undertake any gag rule or any intrigue to carry a measure through or get rid of it. I have always been disposed to be fair, and I think I feel that way now. At the same time I do not think there is any occasion for the announcement that we will find a way to do this thing or that thing or the other thing. Of course we will find a way.

Mr. BACON. I merely wish to say, as the Senator is not prepared to answer my inquiry—

The PRESIDING OFFICER. The Senator from Georgia is not in order.

Mr. BACON. Will the Senator permit me?

Mr. CULLOM. With pleasure.

The PRESIDING OFFICER. But the Senator from Georgia must get permission of the Chair.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. The Senator from Georgia.

Mr. BACON. I ask the Senator from Illinois if he will permit me a single moment?

Mr. CULLOM. Certainly.

Mr. BACON. I simply desired to say, as the Senator was not prepared to answer the inquiry—and he has been here a great deal longer than I have—that during the nine years I have had the honor to serve in this Chamber I have seen but two measures which have been defeated by unlimited debate. One of them was the statehood bill, which at the last Congress was defeated by Republicans by unlimited debate, and the other was the river and harbor bill, which was defeated by Senator Carter, also a Republican, by unlimited debate. If there has been any other measure in the nine years which has been defeated by unlimited debate, I challenge the Senator to show what measure it was.

Mr. CULLOM. I am not going into particulars in reference to this subject, but we all know that there has seemed to be a growing disposition to debate and continue to debate until almost every Senator is worn out by waiting for an opportunity to get a vote.

Mr. HALE. Will the Senator allow me to say a word?

Mr. CULLOM. Certainly.

Mr. HALE. I hope the Senator from Illinois, who is a veteran here, will be able to possess his soul in patience. We have all been through this same trouble that he is in now.

Mr. CULLOM. I am in no trouble whatever.

The PRESIDING OFFICER. The Senator from Illinois is out of order.

Mr. CULLOM. The Senator has misunderstood me.

Mr. HALE. I will substitute the word "felicity" for trouble.

Mr. CULLOM. All right.

Mr. HALE. We have been in the same felicity he is in now. Every now and then when any one of us has a measure that he wants passed and when we have a policy that we think ought to be established, we get very impatient and we want a rule and we want to stop debate. But it has been, as the Senator from Georgia has said, that in the end, out of this way that we have, Senators are enabled to be heard and debate continues, and in the end we pass everything that we ought to pass.

Mr. TELLER. And some measures we ought not to pass.

Mr. HALE. Occasionally we do, undoubtedly. I should hate to see the day when in neither branch of Congress was there allowed full liberty of debate. I have seen very few instances of what could literally be called filibustering—delays simply for the purpose of delay. I have been here a long time and I have seen very few instances of that kind. While I expect some time to have some measure that I should like to have put through subjected to the general practice of the Senate, I expect to bear it. If I have a good measure it will go through. In the end the majority, with rarest exceptions, always has its way in this body, because to the minority after a time comes a sense of responsibility that they can not afford to be merely obstructing for the sake of obstruction.

They feel that the responsibility is with the majority, and the minority in the end always votes, and we never have any difficulty in a solution, which is a thousand times better than the previous question. A unanimous agreement is made that upon a certain day a vote shall be taken that shall end the matter. That is the history of the Senate; and now on this occasion, where men have honest differences of opinion and want to be heard, and want to be heard at length, I hope the veteran Senator from Illinois will not become a convert of the theory that the Senate had better change its practice and shut off debate.

Mr. ALDRICH. Mr. President—

Mr. TELLER. I wish merely to say a word. I did not mean to offend the Senator from Illinois, which I am afraid I did.

Mr. CULLOM. Not at all.

Mr. TELLER. I am afraid he did not take my statement as I intended it. I did not mean to make any threat or anything of the kind, but meant simply to say to him that any Senator who

has been here long knows he can discuss any question he sees fit on any proposition. That practice would enable this question to be discussed, and it might as well be discussed in an orderly manner as in any other way.

Now, I wish to say a word or two more. I agree with the Senator from Maine [Mr. HALE], who has been here for a long time and who has always been an active participant in the affairs of the Senate and a useful and valuable member. I may be allowed to say this in his presence. I agree with that Senator. I know of nothing that ought to have passed that did not pass unless possibly it might have been the statehood bill, in which I was very much interested.

I did not have anything to do with the defeat of the river and harbor bill. I felt all the time that it was a badly arranged and an illy conceived bill, and I had a strong intimation from people in authority that it was very distasteful to the then President of the United States in the form in which it stood. Senator Carter took the floor and defeated it, but if there had been any real sentiment here for the passage of the bill it would have been passed. Senator Carter knew that he was doing what a great number of Senators on this floor were glad to see him do, and I confess I was one of them. That is the kind of measure that is sometimes defeated.

Now, Mr. President, there is one thing that I think is a great deal more dangerous than unlimited debate here, a thing that has attracted the attention of the public to a considerable extent recently, and that is the lack of attention on the part of the Senate when a debate is going on. The other day a Senator here in discussing a question of great and grave importance, and discussing it in a Senatorial way, was compelled to discuss it with three Senators on the Republican side of the Chamber a part of the time and three or four on this side a part of the time.

Once in a while the attendance would rise to the dignity of seven or eight Senators in the Senate, but most of the time during the entire debate there were not to exceed, besides the speaker, three on each side, of whom I happened to be one, because I was interested in the subject of the debate. I was not taking part in the debate, but I was interested in it. Now, that has attracted the attention of the public press in the United States.

Mr. BACON. And properly.

Mr. TELLER. And properly, too. While debate is free here and unlimited, it does not have the attention of Senators when it takes place. But, Mr. President, if it does not, if Senators do not intend to listen, if they make up their minds without hearing the discussion, as a great many people do on all subjects, and make up their minds without any investigation, as a great many people do on general subjects, the public have a right to have somewhere the ideas of the men sent here to represent them preserved and put in a place where they can get them.

So, whether Senators listen or whether they retire to the cloak-room, or go to the Departments, or wherever they may go during the meantime, it is a valuable privilege that a Senator here has a right to put in the RECORD his opinions and his protest if he is against a bill, his argument in favor of it if he is for it. They go into the RECORD, where the people and the public press can comment on them if they see fit. It will be a sorry time for this Republic when you shall limit debate over the only national legislative body that practically professes to be a place where discussion can be had upon the merits or demerits of measures before it.

I wish to say that I did not mean to intimate that there was any disposition to filibuster or anything else. I was unfortunate probably in the term I used.

Mr. ALDRICH. Mr. President, there certainly is no disposition on this question to try to prevent anyone from expressing an opinion. But the unusual character of this resolution is such that it seems to me to demand immediate action, or action as soon as it can possibly be reached, on the part of the Senate. This resolution is understood here. We know that it is a part of the exigencies of a political programme.

Mr. BACON. The Senator is entirely mistaken.

Mr. ALDRICH. The Senator will allow me to have my opinion about it.

Mr. BACON. Yes.

Mr. ALDRICH. We understand here that it can not pass the Senate; that it does not in any respect represent the majority of the Senate or the Senate itself. We understand that; the people of the United States understand it; every Senator understands it.

But, unfortunately, it may be understood otherwise in another quarter. We are in the midst of a very difficult and delicate negotiation with a representative of the State of Colombia, and it may be possible, it may be quite probable from intimations which we have seen in the newspapers, that they will understand there has been some change in the attitude of the Government of the United States, or some change in the sentiment of this body in regard to this matter.

From that point of view and to avoid any possible dangerous consequences to us as a country and to the people of Colombia I say that we should act upon this matter at the earliest possible moment. We should let the people of Colombia and the Government of Colombia understand that the sentiments of this resolution are not the sentiments of the American Senate and of the American people, in my judgment.

Mr. TELLER. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. I do.

Mr. TELLER. Is the Senator from Rhode Island in favor of or opposed to submitting this question to arbitration? Is that the objectionable feature of the resolution?

Mr. ALDRICH. The resolution, as I understand it, by insinuation, by insinuation, says that the Government of the United States has been guilty of dishonorable conduct—

Mr. TELLER. It does not.

Mr. ALDRICH. If the Senator will permit me, it says by insinuation, by insinuation, that the Government of the United States has been guilty of dishonorable conduct in preventing Colombia from asserting her own rights and to her own territory and to part of her own country, and it proposes to submit that question on the part of the United States to arbitration. Is the Senator from Colorado willing to submit to arbitration the question whether the Government of the United States has been guilty of dishonorable practices?

Mr. TELLER. Mr. President, that is not the question here.

Mr. ALDRICH. What is the question?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield?

Mr. ALDRICH. Certainly.

Mr. TELLER. I tried to suggest to the Senate what it was. The Senator was conveniently out of the Chamber, and I do not intend to repeat the argument even for his benefit. But I should like to ask the Senator, if he will permit me, why not send the resolution to the committee and put it in form? If you want to say we do not propose to recognize Colombia as having any offense against us or that we have committed any offense against Colombia, put it in form and bring it in here and let the Senate act on it. Go to the committee. You have the committee. You own it. You have eight to five members.

Mr. ALDRICH. It is not a question of its going to the committee. It is not a question of its coming back here for interminable discussion, as the Senator from Colorado mildly suggests it will be submitted to. That is not the question at all. I say that it will be misunderstood abroad. It is liable to be misunderstood by the representatives of Colombia; and in the interest of the public service and in the interest of the people of this country I say the Senate ought to dispose of it promptly and vote it down, and show those people that those sentiments are not the sentiments which have any hold upon the judgment of either the Senate or the people of the United States.

Mr. BACON. Mr. President, I did not intend to say anything more this afternoon, but the speech of the Senator from Rhode Island probably justifies me in doing so.

I feel very confident in the assertion that the criticisms made by the honorable Senator from Rhode Island and by the Senator from Massachusetts and the Senator from Wisconsin are utterly unwarranted, and I propose in a brief way to analyze the resolution and see whether or not it is entitled to the criticism and to the denunciations which it has received to-day.

The Senator from Colorado pointed out that there is not a single allegation in the resolution as to the fact being the one way or the other. What is the case when there is a dispute between parties? The one side alleges its case and the other side alleges the opposite case, and the effort to submit to some tribunal the decision or the determination of the issue raised by those two opposing statements must always be accompanied by the proposition that there is an issue, that there are conflicting claims. That is the reason why there should be an arbitration or a submission to a tribunal.

Now, Mr. President, what does the resolution assert? It asserts simply that there is a controversy between the United States and Colombia, and we know that to be a fact. It does not say that the case of the United States is the correct case, nor does it say either directly or indirectly that the case of Colombia is the correct case. It merely asserts in the simplest of language the fact that there is a controversy and states what the controversy is. It states the controversy to be this, without assuming that either the one side or the other is correct, because a proposition to submit to a tribunal can not be accompanied by an assertion that one is right and the other is wrong.

The assertion simply is that it is alleged—and who denies that it is alleged?—by Colombia that the United States, by the use of its land and naval forces, prevented it from asserting its authority and maintaining its sovereignty in Panama.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. BACON. I would rather the Senator would let me state the case, and then I will be very happy to yield. I will yield now, however, if the Senator insists.

Mr. ALDRICH. I was going to ask the Senator—

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. I said I would, sir.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. ALDRICH. The Senator said it appeared that that was the attitude of Colombia. I ask him how it appeared that way? I have seen no official correspondence which showed that.

Mr. BACON. We have not been favored with the official correspondence, but we do know the fact that Colombia has had in this capital city a commissioner or minister, who has been here for the purpose of presenting that case, and we know the fact that there has been a controversy between himself and the representative of this Government in charge of diplomatic matters; and if we are—

Mr. ALDRICH. How do we know that?

Mr. BACON. If we are to rely upon the published account, that negotiation has ended without coming to a satisfactory conclusion.

Now, Mr. President, where is the outrage in simply presenting the fact that here is a controversy which is unsettled and which is liable to lead to trouble? That is all this does. It says that there is this claim on the part of Colombia and that it is liable to lead to war. That is the inference, and in the presentation of it that is the ground upon which it is put. Evidences are brought to the attention of the Senate that there is danger, and who doubts it? The sole purpose of it is not to bring on war, but to prevent war.

Now, what do the distinguished Senators on the other side say? They say that these resolutions are calculated to be misunderstood, and that that misunderstanding is calculated to precipitate war. Let us analyze that for a moment. Here are two parties, the United States on the one hand and Colombia on the other, who are known to all the world to have strained relations at this time.

It is true that the diplomatic relations are kept up, but it is known to every Senator in this Chamber, it is known to all people in the United States who keep informed as to ordinary current affairs, that the relations between the United States and Colombia are strained. The only reason why we are not disturbed about it is that we are so perfectly confident in our gigantic strength and in the feebleness of the other power that we are not alarmed by the fact. That is all there is in it.

Now, Mr. President, I am one of those who believe that we should avoid war with a feeble power as well as with a great power. In what way can a proposition to submit to peaceful arbitration such a controversy be calculated to lead to war? What is the situation? Here is this feeble country humiliated—whether justly so or not, we know such is the fact, believing that it has been unjustly treated. We say, if you please, on the other hand, to that country, you have not been unjustly treated.

Assume for the purpose of this argument that all is true that has been said here to-day by the distinguished Senators on the other side who propose to treat this resolution with such indignity. Assume that everything they say as to the justice of the American cause is absolutely well founded and can not be successfully controverted. Does that change the fact that there is a controversy? Assume that we are absolutely right, and certainly Senators can ask no more than that; assume that every act of the United States Government can be successfully defended. Senators can not ask more than that.

Then, if it be true, on the other side, that the other power does not so think, and that there is liable to be trouble grow out of such a difference of opinion, Senators say that a proposition to compose this difference, of trying to get together in the first place and agreeing about it, is calculated to bring on war.

Why, Mr. President, it is the most remarkable proposition, and yet that is the proposition of Senators. Here is a resolution in accord with the avowed policy of the United States Government, the avowed policy, as it has solemnly declared it, in the great treaty which has been made with most of the leading and a great many of the smaller powers of the earth. What is that? That whenever there is a controversy with another power which is liable to lead to violence that controversy it will attempt to compose. If it can not do so by agreement between themselves, then by submitting it to the arbitrament of others.

Yet Senators stand in this Chamber and solemnly object to a proposition by the great, strong power to a feeble, weak power, "Do not let us have violence; we do not think we have done you a wrong; we think we have done right to you; but you think wrong has been done. Let us get together in a friendly spirit,

talk this matter over, and see if we can not agree about it." Is it too much for a great nation to say, "If we have done you wrong, we will make you recompense?" Is it too much for us, the great power, to say to the weak power, "If we have not done you a wrong, when that fact is ascertained, you must not insist that we have?"

There is nothing more than that. This resolution proposes to advise the President of the United States as to the sentiment of the Senate of the United States, in the first place, that we should endeavor by this mutual interchange to agree with Colombia and, in the second place, that if we can not agree we will stand by the declaration which we made in the great treaty; and we will endeavor to have other parties adjust this matter for us rather than resort to war and bloodshed; yet the Senator from Rhode Island [Mr. ALDRICH], in a most emphatic manner, says it is known to everybody that the Senate of the United States does not agree to any such proposition as that; and the Senator from Rhode Island assents, by the nod of his head, to what I now say as to his position.

Mr. ALDRICH. I said, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do.

Mr. ALDRICH. Mr. President, I did not say, as the Senator from Georgia now seems to think I did, that I was opposed to arbitration upon proper conditions. I did say that the Senate of the United States was not in favor of the proposition of the Senator from Georgia.

Mr. BACON. Very well.

Mr. ALDRICH. And I said that as emphatically as I could, because I believe it to be true.

Mr. BACON. Then I want to see whether the proposition is one other than arbitration. What boots it for the Senator to say that he is not opposed to arbitration, but that he is opposed to my particular proposition, if my proposition is simply a proposition for arbitration, and nothing more? How can the Senator reconcile such statements? If my proposition is not a proposition for arbitration, then the Senator may consistently take his position; but if it is simply a proposition for arbitration, then there is no consistency in the position of the honorable Senator.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. I do.

Mr. ALDRICH. I was not undertaking to discuss the merits of the Senator's proposition.

Mr. BACON. Ah! But I am undertaking to do so.

Mr. ALDRICH. There is much more in it than the question of arbitration. I was simply saying that the pendency of the resolution without action would necessarily create trouble for us abroad.

Mr. BACON. Well, if its pendency without action creates trouble abroad, it will simply be because nonaction would raise in the mind of this poor, weak power, which, like the worm when tread upon, will turn, the impression that the United States Government does not intend to treat with it, but intends to use its giant power like a brutal giant; and that is the only ground upon which pendency can have such effect.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. I do.

Mr. PLATT of Connecticut. I wanted to ask the Senator if he really thought that there was any danger or probability that the Colombian Government was going to war with the United States?

Mr. BACON. Mr. President—

Mr. PLATT of Connecticut. If the Senator will permit me a moment further—

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. It seems to me that the Senator's entire resolution is based upon that proposition.

Mr. BACON. It is.

Mr. PLATT of Connecticut. I do not think there is any danger of such a war.

Mr. BACON. I say the resolution is not solely based on that, but principally. I say, Mr. President, that if Colombia is too weak to go to war, if she has nevertheless a controversy, however fixed and determined we may be in the conviction that we are right and that she is wrong, the very great disparity of power, the very fact that we are a giant and she is a pigmy, lays upon us a high obligation to treat with her in a just manner; so that it is not simply, as the Senator says—

Mr. PLATT of Connecticut rose.

Mr. BACON. I am coming to that, unless the Senator desires to interrupt me still further right now.

Mr. PLATT of Connecticut. It seems to me that the Senator

is assuming that Colombia has made some demand upon us, which we have not heard of officially, certainly.

Mr. BACON. Mr. President, I am coming to the particular point that the honorable Senator makes as to whether or not this resolution is predicated upon the danger of war with Colombia. It is true, so far as I know, that there has been made public no demand on the part of Colombia, but so far as general reports can be credited Colombia has sent here an official representative who has made a demand—whether she has made that demand in the nature of an ultimatum or not I am not prepared to say. But there can be no doubt about the fact that Colombia has had a representative here who has presented to this Government the fact that Colombia thinks she has a grievance against this Government.

We all know that fact. No man doubts that fact. The press is full of it every day. There are outgivings of things which must come by some inspiration from those who are in the inner circle and who know of facts which have not been disclosed to us.

But, Mr. President, is it possible that Senators doubt the fact that the failure of the United States to appease Colombia in some way will result in violence?

The newspapers are full of statements made by people who are upon the ground that that country is disturbed; that there is a state of great excitement over this matter; that they feel they have been humiliated; and that even if they accomplish nothing by it, to preserve their honor they must make resistance and not tamely submit.

The dispatch which I had read this morning, from the capital of that country to the Washington Post, stated the feeling was of such a nature that if there was no movement on the part of the Government of Colombia to secure her rights as her people understood them it would result in internal disintegration of the country; that the people would not support a government which would lie down under such treatment without resistance.

Mr. President, is there any Senator here who believes that Colombia will absolutely, without any resistance whatever, surrender the claim that she has a grievance against the Government of the United States?

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do, with pleasure.

Mr. HALE. Assuming what the Senator says, that Colombia will not submit and will inaugurate war, upon what issue, upon what proposition, upon what principle will Colombia inaugurate war upon us? Associated with this question is the fact that it is only lately that we have heard all these protestations and arguments and eloquence in favor of Colombia. We negotiated this treaty—

Mr. BACON. If the Senator will pardon me, I have not argued anything as to the merits of this case. I have studiously avoided that.

Mr. HALE. I am simply following out what I think is the logical result of the Senator's proposition, that Colombia will be obliged in self-respect to inaugurate war upon us.

I should like the Senator to tell us upon what proposition or upon what principle would Colombia inaugurate war upon us after she has rejected our treaty, made at her instance, made in negotiation with her, giving her every advantage that Panama now claims, and yet she deliberately, in the face of all that, rejecting it, adjourning her Congress, and throwing into our face the conditions that she made? The Senator says she will inaugurate war upon us. Upon what proposition, I ask, will Colombia inaugurate war upon us?

Mr. BACON. Well, Mr. President, I was probably a little unfortunate in the use of my language when I said Colombia would make war upon us. I should possibly have said, make war upon Panama for the purpose of recovering her sovereignty in that territory; and possibly that is an answer to the question of my distinguished friend.

Mr. HALE. But your whole proposition is that the danger—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do, with pleasure.

Mr. HALE. I beg pardon of the Chair. Does the Senator yield to me?

Mr. BACON. I do.

Mr. HALE. The whole proposition is that the danger is not of war, out of which we would be excluded, in which we will have no part, but which will be a war to which we will be a party. We shall not inaugurate war with Colombia. If war comes, it will be the act of Colombia.

Again, I repeat, I wish some Senator on the other side would state the proposition upon which Colombia will take such steps as will result in war with us. I want to avert war. I have said

here and elsewhere that I think that nothing can be so abominable as war. I loathe it; I dread it; I abominate it. I would do almost anything—I would make almost any compromise with Colombia to avoid war. But I can not for the life of me see in the history of this matter where Colombia, in the eyes of the world, has a single shred of ground to stand upon in inaugurating a war that might result in hostility to the United States.

Mr. BACON. Now, if the Senator will permit me to answer his question, I shall endeavor to do so.

The Senator, in response to the suggestion I made, that war would be made by Colombia on Panama, then spoke of that as a war in which we would have no part. Of course, Mr. President, if that were the correct statement of the case, the inquiry of the Senator would be extremely pertinent.

But we all know from the situation, from what we have already done, from the pendency of the treaty, in which there is a distinct guaranty for the maintenance of the independence of Panama, that war upon Panama means a war on us. Everybody knows that.

But, Mr. President, I do not wish to be led off from the point I am on in this case, and I want the Senate to witness that I have used no argument in this discussion in support of any contention that Colombia is right and that the United States is wrong.

I have scrupulously avoided that. I have uttered no word to the effect that the United States is wrong. I have uttered no word, directly or indirectly, that Colombia is right. I have endeavored carefully, in the drafting of this resolution, to present simply the fact that there is a controversy, without saying who is right or who is wrong. I say it is a controversy which should be composed by agreement, if possible, and, if not by agreement, then by arbitration. That is all there is in it.

Mr. President, the honorable Senator from Rhode Island [Mr. ALDRICH] says that no Senator here is in favor of such a thing.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. BACON. I did not mean to say that. I mean the Senator said the Senate is not in favor of this.

Mr. ALDRICH. Yes; I say the Senate is not in favor of this.

Mr. BACON. Of course he did not say "no Senator," because I am in favor of it, if nobody else is. Of course that was a slip of the tongue. Every Senator, Mr. President, it seems to me, if he could divest himself of any consideration of the particular case before us, would be in favor of it if I have succeeded in doing what I attempted to do. This was simply to present the fact that there is a controversy between the United States and the Republic of Colombia, and that in the presence of that fact there should be an effort at agreement between us, rather than a fight, and that in the failure—

Mr. ALDRICH rose.

Mr. BACON. If the Senator will pardon me just a moment—and that in the failure of such an agreement we should submit it to arbitration—the point I am coming to, and that is the reason I asked the Senator from Rhode Island to postpone his interruption for a moment, is this: If that is my purpose in these resolutions, is it not a laudable purpose? Can anybody object to that purpose?

If the purpose is to present the fact that there is a controversy, and to try to have that controversy smoothed over by an agreement, or, in the absence of ability to agree, by an arbitration, is there a Senator here who will say that is not a laudable purpose?

Now, if I have been unfortunate in the use of language, if I have not correctly phrased these resolutions, their purpose being as I have stated, what is the duty of the Senate?

If that is the purpose, and if it is a laudable purpose—if that is in accord with the avowal of this Government when it gave its adhesion to the great treaty of arbitration—what is the duty of the Senate if I have failed to carry it out properly? Manifestly to put it before a committee and let that committee put the resolution in proper shape.

Mr. President, there are some considerations in this matter which I do not think have occurred to Senators. I recognize the fact that what has been done in Panama is an accomplished fact.

I know that revolutions do not go backward. The history of the world has never shown a case where a revolution went backward. They are sometimes diverted, going in different directions from those originally anticipated, but the status quo ante has never in the history of the whole world been restored. I recognize the fact that revolution in Panama is an accomplished revolution. I recognize the fact that it is an impossibility to undo it.

If the revolution is an accomplished fact and can not be undone, then, if wrong has been done and restitution can not be made through a restoration of the status quo ante—

Mr. HALE rose.

Mr. BACON. If the Senator will pardon me just a moment—

Mr. HALE. Yes.

Mr. BACON. Therefore, if in the accomplishment of this fact a wrong has been done, the only possible way to do justice is by

an agreement or an adjudication in some way. If no wrong has been done, then there is no harm in the effort to make our adversaries see that no wrong has been done and to satisfy them that we are in the right.

Mr. HALE. Right there—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Yes.

Mr. HALE. I recognize two things here. There ought not to be too much interruption—

Mr. BACON. I do not object to it at all.

Mr. HALE. But the life of the Senate and debate comes from the kind of interruption that is suggested by the remarks of a Senator—

Mr. BACON. The Senator is always privileged to interrupt me when he desires to do so.

Mr. HALE. Such interruption brings out his own thought as well as that of the objector. Now, right there, the Senator said that he recognized that this was an accomplished revolution. I thought that was a large statement—

Mr. BACON. Well, I so recognize it.

Mr. HALE. A large admission; and I rose to ask the Senator if his resolution is based upon the recital that this revolution is accomplished.

Mr. BACON. I am perfectly willing to include that.

Mr. HALE. That a government has been set up in Panama which is self-existing, which we have recognized, and with whom we have opened relations.

Mr. BACON. I do not think it is self-sustaining.

Mr. HALE. That is a matter of the future.

Mr. MORGAN. Nor self-existing.

Mr. HALE. And such being the fact, upon the question of whatever compensation or consideration may be allowed to Colombia because of her dismemberment and because an important province has been rifted away from her and is to have charge as a nation and possess the territory over which we build the canal, therefore the Senator from Georgia contends that it is incumbent upon the United States to recognize some claim of Colombia for compensation for what has been taken from her. I agree to that.

Mr. BACON. I hope the Senator will propound his inquiry, and let me answer it, for it is very difficult, when the Senator makes an inquiry and then makes a speech, for me to answer his question.

Mr. HALE. The Senator understands that you can not always make an inquiry—

Mr. BACON. If the Senator will not ask a question, I have no objection to his continuing; but if he asks a question, I desire to reply.

Mr. HALE. The Senator understands that one can not always ask questions without also giving one's views.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BACON. I have yielded to the Senator from Maine temporarily.

Mr. HALE. I do not mean unduly to interrupt the Senator.

Mr. President, I would go further than the Senator. Instead of leaving the question of what compensation shall be granted to Colombia, either by guaranteeing what Panama shall do in payment to Colombia, or outright for our own part in connection with the canal, I would be in favor of a liberal adjustment, a liberal compensation to Colombia, without referring the matter to The Hague tribunal.

I suppose the Senator feels as I do about The Hague tribunal. I think the Senator agrees with me that The Hague tribunal is a paper tribunal. Russia originated it, but Russia would not consent that the question of Manchuria should be sent to The Hague tribunal. We would not consent that the question of the occupation of any territory we have taken outside should be decided by The Hague tribunal. It is rather, I may say, in the air.

I am sorry that it is so; but does not the Senator appreciate that the time has not come to send real controversies to The Hague tribunal?

Mr. PATTERSON. Mr. President—

Mr. HALE. I am willing to go to a great extent in compensating Colombia.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do.

Mr. PATTERSON. I want to ask the Senator from Maine a question in connection with his statement of making liberal compensation to Colombia. Upon what ground would the Senator make liberal compensation to Colombia, and compensate Colombia for what?

Mr. HALE. Not in the least for anything that we have done.

Mr. PATTERSON. Oh!

Mr. HALE. Not in the least; but we are bound up and tied up to this gigantic world-wide enterprise of a canal across the Isthmus, and I would be in favor—not in any way granting for a moment that we have done more than we ought to have done, for I do not think we have—of going further. I would help Panama, if Panama shall declare that she will compensate Colombia for the loss of territory, the loss of prestige, all that a nation desires, and all she is sensitive upon.

I would go so far as to guarantee Colombia's claim for that in order to avoid war. I do not think that a war would be doubtful; but I think it would be a poor business for us to be involved in war with Colombia, Mr. President. I am free to say that I do not want to see it; I want to avert it. That is why I would take the action I have indicated.

Mr. PATTERSON. I presume the Senator from Maine [Mr. HALE]—

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. I have yielded.

Mr. PATTERSON. The Senator from Maine would not maintain that it is the duty of the United States, or that it is incumbent upon the United States in any way, to make large donations to the different nations of the world, whether great or small, because in a perfectly legitimate way, through a legitimate revolution that was successful, those countries had lost territory.

The only ground upon which the Senator from Maine or the Administration can think of consenting to the granting of compensation to Colombia is because away down deep in their hearts they are conscious that the United States has been guilty of a wrong in connection with this so-called revolution.

Mr. BACON. Mr. President, I must ask the Senator from Maine to let me reply to him, and in order that he may do so I will ask the Senator to repeat his question without a speech, because I really have lost the thread of it and have forgotten the question the Senator first asked me.

Mr. HALE. The Senator from Colorado [Mr. PATTERSON] has interposed in such an effective way that he has drawn my attention away from the matter.

The PRESIDING OFFICER. Senators must understand that this conversation is not in order.

Mr. HALE. I only want to say now—

The PRESIDING OFFICER. The Senator from Maine is out of order.

Mr. HALE. Then I will retire.

Mr. BACON. I shall be glad to have the Senator from Maine repeat his question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I yield, and I have so stated.

Mr. HALE. I do not know what the Senator wants.

Mr. BACON. Of course it is an exceedingly difficult thing for me to resume the thread of my argument.

The Senator from Maine asked me a question. He then made a speech on it of some length and propounded several other questions in the course of it. I recollect distinctly that his question was one to which I desired to reply, and then the Senator from Colorado [Mr. PATTERSON] intervened with a speech.

Mr. HALE. To which I desired to reply.

Mr. BACON. Well, Mr. President, I return to the main proposition. Senators have criticized the resolution in the severest manner. They propose to treat it with an indignity which I have never seen since I have been in the Senate and refuse it even a reference to a committee. I say that the action proposed by the majority in this case is absolutely without defense.

There is not a single line or letter in the resolution which says that there is any just claim against the United States. There is not a line or letter which says that the United States has committed any wrong. There is not a line or letter which says that the Republic of Colombia has any just claim. The sole statement is that which is made in the case of every proposed submission to arbitration, that there is a controversy; that the parties are at issue; that they are at a disagreement; and it is proposed, in view of that fact, that the parties shall get together and agree.

Mr. HEYBURN rose.

Mr. BACON. I ask the Senator to pardon me for just a few minutes and then I will yield to him with great pleasure.

Mr. HEYBURN. I wanted to ask a question of the Senator.

Mr. BACON. In a little while I will yield with great pleasure, but I must be permitted to state my proposition. As I said, this resolution simply presents the fact that there is a controversy. The fact is implied, if not stated in direct language, that such controversy is liable to lead to war, to violence.

Is there any difference between that and any other proposition submitted to arbitration? How can Senators say they favor arbitration but are opposed to this particular arbitration?

One of the Senators asked whether or not that which is alleged to be an act of dishonor is to be submitted. There is no such intimation in the resolution; but if it is there, take it out.

I have not any pride in phraseology. I simply want the United States Government to proclaim to the world that while it believes it is right and has committed no wrong, in view of the fact that the opposite party thinks otherwise, rather than submit to violence and war it will endeavor to agree with its adversary.

The Senator from Maine says he would be willing to compensate her. He is very wise in that. But the Senator objects to a submission to The Hague tribunal. That is only the last alternative, and that can be stricken out if the Senate should think otherwise. There are two distinct propositions. The resolution, like all other resolutions, is doubtless imperfect, and when the Senatorial mind is applied it will be changed.

Now, here is a plain proposition, which I will submit to the Senator from Maine. The first of these clauses advises an endeavor, by treaty and agreement, to arrive at some adjustment of this matter. There is no mention in the first clause of The Hague tribunal. If the Senator goes that far, then it is a very simple matter, when the resolution comes up for consideration, to reject the other alternative proposition of The Hague tribunal.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. I have said right there that if the Senator confined his resolution to a recital that there was an accomplished revolution and a government set up in Panama, and that the United States, recognizing the entire situation, not in any way admitting that it had done more than it should have done; that Colombia had been by this revolution dismembered, it was a subject worthy of negotiation between the United States and Colombia, and in any compensation which Panama, representing this accomplished revolution, should make to Colombia the United States would consider, owing to its interest in the canal over Panama, the question of adopting or guaranteeing Panama's payment; not that we owe anything, but that it is worth considering and worth avoiding war to negotiate with Colombia upon the basis of an accomplished revolution to compensate Colombia for the dismemberment of her territory. I am in favor of that (I do not know whether any other Senator on this side is in favor of it) rather than war.

Mr. BACON. While the suggestion of the Senator from Maine does not go as far as I want it, I am so anxious that there should be something which shall pacify that people and produce upon them the impression that the United States Government proposes to deal fairly with them, and to endeavor if possible to adjust their differences, if the Senator will frame his resolution, I will accept it as an amendment.

I repudiate and I deny that there is any ground for the charge of favoritism to Colombia as against the United States. It simply says that Colombia alleges thus and so, and says that that controversy should be settled without a resort to arms.

I say now to the Senator from Maine that while his resolution as suggested by him does not, in my opinion, go to the entire extent of this controversy, still, if he will frame it upon the lines which he has indicated, I will very gladly accept it as a substitute. What further guaranty can I give of good faith, or what further argument could be advanced as to the utter groundlessness of the charge which Senators on the other side have made as to this resolution?

Mr. HALE. I think the Senator and I are approaching each other. This matter will undoubtedly go over.

Mr. CULLOM. It has gone over.

Mr. HALE. It has really formally gone over. If I can frame a substitute for the Senator's resolution which covers the thought which is in my mind, it will not in the least interfere with the ratification of the treaty.

Mr. BACON. Not in the least.

Mr. HALE. Not in the least.

Mr. BACON. It has nothing to do with it.

Mr. HALE. It has nothing to do with it. It is only a question of adjusting and pacifying—

Mr. BACON. Yes.

Mr. HALE. The condition that exists between Colombia and us.

Mr. BACON. Will the Senator allow me right there, before passing from that, to make a suggestion, and I will yield the floor to him again. I said it had no reference to the ratification of the treaty. I wonder if Senators on the other side have had the thought in their minds as to whether or not the passage of such a resolution as this might not pave the way for the voting of the treaty by those who can not now vote for it.

Mr. HALE. I am inclined to think it would.

Mr. BACON. Of course it might, for this reason: There are

Senators who think that the United States has not been altogether justified in what has been done and who are averse to the treaty, not because of any objection to the treaty, but because they do not wish by their votes to give their assent and their approval to what they conceive to have been illegal acts.

They know the fact that those illegal acts can not be undone. They know that an accomplished revolution can not be set aside, and they know the only ground upon which they can stand consistently with that objection is upon the ground that the United States proposes to do justice; and when that assurance is given all is done which could be shown by a vote against the treaty.

Mr. HALE. My proposition does not in any way go upon the ground that the Administration has done otherwise than what under the circumstances it was obliged to do.

Mr. BACON. Neither does this resolution.

Mr. HALE. While I regret the condition, I think that everything which has been done had to be done. I think we should ratify the treaty.

I think that without any question, without raising the point, and not admitting that we have been rash or harsh or unjust or aggressive, we have done just what we should have done; that the revolution is an accomplished fact, and that we can afford now, ratifying that treaty, to negotiate on a fair basis with Colombia, so that if Panama, the new State we have recognized and which has been recognized by the world generally, compensates Colombia for her loss of territory we can well afford, under the conditions, to recognize that action and in some way indorse or adopt or ratify what Panama does. We are taking no back track. In fact, it is on the basis and on the proposition that we have done what we ought to have done. The revolution is accomplished.

The proposition of the Senator that the revolution is an accomplished fact is the most important.

Mr. BACON. There is one thought I wish to submit to the Senator in connection with that. We ourselves have a very great interest in it outside of the matter of the desire to do what is right. We have a very great interest in the fact that when that canal is located it is of the utmost importance that there should not be in the immediate vicinity of it four millions and a half of hostile people.

There is no doubt about that fact, so that we can afford to do what the Senator from Maine said he is willing to do—provide that out of whatever Colombia shall be adjudged to be due her we will guarantee the payment. We have such a personal, such a material interest of the greatest kind, that we can afford to pay money that we do not owe if by that we are to have material benefit therefrom.

Now, Mr. President, as I said before, recognizing the revolution as an accomplished fact, and I am glad to see the Senator from Wisconsin in his place—

Mr. SPOONER. I was obliged to be absent.

Mr. BACON. I stated the fact that the Senator was called away by official business. I am glad to see him back, because I desire to reply to that part of his speech.

I have stated before, and repeat now, that I recognize the fact that this is an accomplished revolution; that it is no exception to the general rule that no revolution goes backward and it can not be undone. Those who are dissatisfied with what has been done know that restitution, or compensation, if you please, can not be made by the restoration of the status quo ante. That is an impossibility.

Therefore, the only possibility for those who occupy that ground is to have the assurance, not that the United States will do anything, but that it will stand ready to do if it shall be determined it ought to do. I appeal to the Senator from Wisconsin to know if, under such a proposition as that, his criticism upon the resolution was not unjust and unfounded.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. BACON. I do. I am sorry the Senator has not been here to hear my comment on the resolution.

Mr. SPOONER. So am I. I did not know until this morning that the Senator would introduce the resolution.

Mr. BACON. I had no idea that there would be any debate upon it.

Mr. SPOONER. Therefore I had made a different arrangement of my time.

Mr. BACON. I stated that the Senator was absent necessarily.

Mr. SPOONER. I am always present when I can be here.

Mr. BACON. I stated that the Senator was absent on official business.

Mr. SPOONER. Now, Mr. President, of course the power to negotiate with Colombia about any matter of controversy between Colombia and the United States will continue to exist. That power is conferred upon the President by the Constitution.

I do not think in this situation that the Senate ought to pass

any resolution which would not pass except for the opinion of the Senate that prima facie there was a wrong done.

Mr. BACON. No.

Mr. SPOONER. Well, I think so.

Mr. ALDRICH. Or about to be done.

Mr. SPOONER. Or about to be done.

Mr. BACON. No.

Mr. MORGAN. Contemplated.

Mr. SPOONER. A contemplated wrong. The Senator thinks that wrong has been done and wrong will be done.

Mr. MORGAN. That is my opinion. It cuts going or coming.

Mr. SPOONER. But, Mr. President, what about the effect upon the court, the tribunal whose arbitrations the Senator invokes by this resolution, if it were even inferentially assumed, as it is here, that the Government of the United States has been wrong?

Mr. BACON. I regret extremely the Senator has not been in the Chamber during the debate, because I traveled all over that ground.

I desire to say to him now that I have said if the resolution is phrased infelicitously, and if the great prominent purpose is correct, to wit, to avoid controversy, then it can be redrafted by the Senate or by the Committee on Foreign Relations in such a way as to absolutely negative the suggestion which the Senator now makes. The Senator from Maine himself has indicated on the floor of the Senate a resolution which would so negative it, and I have said to him that I would accept it if he framed it.

Mr. HALE. In the absence of the Senator from Wisconsin—and I am very sorry that he was obliged to be away—the Senator from Georgia stated an advanced ground, that he recognized the revolution was an accomplished fact; that he was not seeking in any way to involve a proposition that the Administration had conducted wrongly in the matter, but that his desire was for some negotiation with Colombia which would result in the prevention of open war.

I thought, as I said, that that was an advanced doctrine. I do not know that anybody on this side agrees with me in that view. I do not know that anybody on the other side agrees with the Senator from Georgia in that advanced doctrine.

I stated that if that was the Senator's idea, that it did not involve any proposition that the Government had been wrong, that it recognizes the revolution, and only involved a negotiation with Colombia in which the United States might properly take an interest in what Panama should do, compensating Colombia for her bereft territory, I was in favor of that.

Mr. BACON. The only suggestion I made in addition to that—

Mr. HALE. I did not think the Senator and I were very far apart. So the points the Senator from Wisconsin is now making are all eliminated by the suggestion of the Senator from Georgia.

Mr. BACON. I wish to say to the Senator, as I see he is examining the resolution, that I am not wedded to that phraseology at all. I am perfectly willing that it should be changed in any way reasonable and stated as strongly as you please that the United States does not admit, directly or by implication, having done any wrong, but that there is a controversy, a claim, on the part of the Republic of Colombia, and that we propose that that shall be composed between us by a treaty—a negotiation—in which we will endeavor to arrive at a conclusion.

Then the additional proposition is that in the event that can not be done it shall be referred to some tribunal. But if the Senator does not wish to go that far, strike out the last proposition.

All I want is now, at a time when I believe if there is any reliance to be put upon the information which comes to us there is danger of bloodshed, that the United States Government shall say to this weak and feeble people, who can not demand or require anything of us, that we propose to investigate this matter and in some such way as the Senator from Maine indicates, or in some other way, try to do whatever the circumstances may prove to be our duty in the premises.

That is all. If it is not in proper shape, put it in proper shape. I am not at all wedded to that particular phraseology. Change it in any way you wish, just so that you embody that principle.

Mr. SPOONER. Mr. President—

Mr. BACON. If the Senator is through, I owe the Senator from Idaho [Mr. HEYBURN] an apology for having delayed so long in my promise. I was at a point of my argument which did not permit me to stop at the moment, and now I do so with pleasure.

The PRESIDENT pro tempore. The Senator from Georgia yields to the Senator from Idaho.

Mr. HEYBURN. I appreciate the courtesy of the Senator from Georgia. I wish to ask the question whether or not this resolution is directed to the payment of a claim which has been made by the Colombian Government or only to one the making of which is anticipated?

Mr. BACON. In reply to the question of the honorable Senator, I can say this and only this, that of course I have not seen the official papers. We know the fact that there has been here a representative of the Government of Colombia, and we know from general statements in the papers the nature of the claim which has been made.

We know from the facts which have been stated what would naturally be the character of the claim. But, if the Senator will pardon me, in the recast of the resolution, as proposed by the Senator from Maine, there could possibly be no criticism upon that ground. I have shown the utmost liberality of disposition in the matter by saying that I will accept any modification and any phraseology that may be desired and which does not go to the extent of asserting that either one or the other is either right or wrong, because in that event there could be no proper basis for arbitration.

But I will accept anything which will preserve the general proposition of the design on our part not to treat this feeble, impotent people, who can exact nothing of us, otherwise than in a kindly and considerate manner and do what justice may require.

Mr. HEYBURN. I will ask the Senator whether or not he can define or cares to define the limits of the questions to be submitted to arbitration upon which an attempt might be made to agree?

Mr. BACON. We can not define that. All we can do is to suggest to the Executive that we favor the opening of negotiations with the general view. The details, of course, must be worked out by the executive department.

If the Senator from Idaho desires more definite information, I will simply refer him to the statement which has been made twice by the Senator from Maine as to the scope of the resolution which he proposes to kindly draft as an amendment.

Mr. HEYBURN. I ask the Senator if it is not premature at this time to take the initiative in anticipating questions that may be presented for settlement on the part of a government that has as yet made no claim?

Mr. BACON. Is the Senator aware of the fact that it has made no claim? On the contrary, we have every reason to believe that it has.

Mr. SPOONER. Had we not better wait?

Mr. STEWART. Until we know.

Mr. SPOONER. In other words, if the Senator will permit me, why should the Senate of the United States resolve itself into the vicarious representative of Colombia to assert for it claims against the United States which we do not know Colombia has asserted against the United States?

Mr. BACON. The Senator from Wisconsin is not generally as unfair—

Mr. SPOONER. I did not mean to be.

Mr. BACON. As that inquiry makes him appear to be.

Mr. SPOONER. It may be a mistake, but it is not intentional unfairness.

Mr. BACON. I understand that, but the Senator misunderstands me. I say, as unfair as that presentation of it appears to make him to be. The unfairness to which I alluded was in the suggestion that there was anyone here representing the claims of Colombia. I have stated repeatedly that I did not follow the lead of my distinguished friend or of others in discussing the merits of the controversy between Colombia and the United States.

All who heard me will bear witness to the fact that I have scrupulously avoided a single argument to show that Colombia has a grievance or that the United States had acted improperly with reference to her. Whatever may be personally my opinion I make no such statement in this discussion. It would be unworthy of a proposition for arbitration to accompany it with any such statement.

I have confined myself all along to the proposition that our relations are strained, and we know that they are, that there is an alleged grievance, a claim of grievance. Assuming, I said in the Senator's absence, that every claim was unfounded and that the cause of the United States was absolutely impregnable in its defense as right from beginning to end, still, if there is this disputed claim it is a matter for agreement, especially in view of the fact, if the statements in the press are correct and state the feeling in Colombia, that there may be at any time an outbreak. We have the statement frequently made that the Colombian people have only been held quiet because their representative was here, and that in the absence of his final report they would not act, but that there is every reason to fear that upon his report there would be an outbreak.

These are a weak, feeble people, whose outbreak can not hurt us except in the loss of the lives of some of our officers and soldiers. That power can not be measured against ourselves, as I have said in the course of this debate. We are a giant and they are a pigmy.

But the fact of their feebleness does not relieve us from the responsibility of recognizing the great principle to which we have given our adherence in the great arbitration treaty, that be the power strong or weak, great or small, we will not resort to violence, or not stand still in the presence of threatened violence, but whenever such violence is threatened, whether we are right or wrong, or rather I will put it more strongly, assuming that we are in every particular right, we will not sit still, but will endeavor that the difference shall be settled in some other way than by a resort to arms; that we will do what we can to carry that idea out, and that we will do it more quickly in the case of a weak nation than we will do it in the case of a strong one.

Mr. SPOONER rose.

Mr. CULLOM. Some little time ago I rose to move that the Senate proceed to the consideration of executive business. I supposed the Senator from Wisconsin had taken his seat; but as he has risen, I will not proceed with my motion at this time.

Mr. SPOONER. Mr. President, I have no desire to discuss this matter further for the sake of discussion. I said when I had the honor to address the Senate on this resolution in the first instance that it would be impossible for me to be wanting in appreciation of the patriotism, sincerity, and high purpose of the Senator from Georgia [Mr. BACON].

But the Senator has not used infelicitous language in this resolution. My objection to this resolution is not to its form, but its theory and substance. The Senator thinks clearly and, as almost every man who thinks clearly, expresses his thought clearly. It is, as a rule, only those who do not think clearly who speak without clearness.

I have regarded this resolution as inopportune. The Senator assumes, and I think at the wrong time, that the Administration, the Government, if I may so speak, has committed questionable acts—

Mr. BACON. No; I do not. The Senator is mistaken.

Mr. SPOONER. Ah, let us see; questionable acts in connection with this great transaction. If the Senator does not imply that by his resolution, what is there to negotiate about with Colombia? What is there to be referred to The Hague tribunal, with Colombia a party on the one side and the United States a party on the other?

Mr. BACON. Will the Senator permit me to answer the question?

Mr. SPOONER. Certainly.

Mr. BACON. I can not answer it more forcibly, I think, than to repeat what I have said, that if we assume that we are absolutely right in every particular and that the ground of complaint of Colombia is absolutely unfounded, still if that complaint is made and the controversy exists, that is a question to be referred and does not imply any recognition of any wrong on the part of the United States.

And more especially will that be so if the resolutions are framed in accordance with the suggestion of the Senator from Maine, absolutely making the reservation and denying that there is any wrong perpetrated on the part of the United States.

Mr. SPOONER. Upon what does the Senator from Georgia predicate the assumption of this resolution?

Mr. HALE. Will the Senator allow me? I understood the Senator from Georgia to say that his proposition did not involve an insistence upon this matter being referred to The Hague tribunal—

Mr. BACON. Of course.

Mr. HALE. That his main object was first recognizing an accomplished revolution.

Mr. SPOONER. As a fact.

Mr. HALE. As an accomplished fact. Then with no declaration or assumption, and he has just at this moment repudiated that the Administration had been wrong, stating that to avoid war it was worth while to negotiate with Colombia, not for changing the status on the Isthmus, not upon subverting that set-up Republic, but simply with relation to any compensation that Panama might make to Colombia for the loss of territory.

Therefore, from our association with the Isthmus and with this great enterprise, we could afford, I said in the absence of the Senator and I say it here, although I may be alone, rather than have a war, a poor war, a lean war, a successful war, that in two weeks would spend much money with no gain to us, I would much rather guarantee anything that Panama may seek to do to compensate Colombia for her loss of territory; and I understood that was the proposition for consideration. Going back is not consistent.

Referring to the tribunal is only to negotiate. I may say further that I believe to-day negotiations are going on in the direction the Senator has indicated in his last proposition, and that anything we do here, instead of contravening that, would help us. That is the situation, which, of course, the Senator did not understand because he was not here.

Mr. SPOONER. Yes; I understand it. I sympathize with the general purpose of the Senator from Maine and the general purpose of the Senator from Georgia. I have not been able to see, however, any theory consistent with the action of the Government of the United States by which the Senate can recognize an interest in Panama or a cause of action or claim growing out of the revolution in Panama on the part of Colombia.

We have passed the stage where the United States can recognize Colombia as having any longer any proprietary interest in or sovereignty over Panama.

It has seemed to me, Mr. President, that the only avenue of approach to Colombia between the United States and Colombia must be through the Republic of Panama.

If this were a resolution suggesting to the President the good offices of the United States to bring about an adjustment between the Republic of Panama and that of an independent republic and the United States of Colombia, that would be one thing.

Mr. HALE. That is about what it is.

Mr. SPOONER. No; it is not.

Mr. ALDRICH. It is not this resolution.

Mr. HALE. It is not this resolution.

Mr. SPOONER. That would involve no imputation in any way upon the Government of the United States; no impeachment of its honor. On the contrary, it would recognize the Republic of Panama as an accomplished fact, as it is.

It might perhaps proceed wisely enough upon the theory, all things considered, that it would be for the advantage of the Republic of Panama, as well as for ourselves, in view of our relationship to the Isthmus, that arrangements should be made to bring about peaceful and pleasant international relations between Colombia and the Republic of Panama.

Mr. BACON. I understand that to be practically what the Senator from Maine says.

Mr. SPOONER. But that is not this resolution.

Mr. HALE. Will the Senator bear in mind that the Senator from Georgia has abandoned that?

Mr. SPOONER. Has he done so? I have not heard it from him.

Mr. BACON. No; I said I would accept the substitute of the Senator from Maine.

Mr. HALE. That is abandoning it.

Mr. SPOONER. I have not heard it from him.

Mr. HALE. The Senator stated it very clearly.

Mr. SPOONER. No; the Senator from Maine and I understand each other.

Mr. BACON. And the Senator from Maine and I understand each other, too.

Mr. SPOONER. The Senator from Georgia and I may soon understand each other.

Mr. HALE. I consider when the Senator says that he would accept the suggestion I had made—

Mr. BACON. I asked the Senator from Maine to frame a resolution.

Mr. HALE. That I would frame a resolution his resolution was to be withdrawn.

Mr. BACON. No; I would accept it as a substitute in place of it.

Mr. HALE. Now, the Senator from Wisconsin is felicitous in his praise.

Mr. SPOONER. Thank you.

Mr. HALE. He has brought in a phrase that is well known in diplomacy—"the good offices of the United States"—in an adjustment not between us and Colombia, but between Panama and Colombia.

Mr. SPOONER. Now the Senator is on more solid ground.

Mr. HALE. That is only a matter of expression.

Mr. SPOONER. No, it is not; it is a matter of substance.

Mr. HALE. That is precisely what it would come to. I should be in favor of it, and I think it would help negotiations that are now going on. I think it would do more to avert war than anything that can be done. Then we will go on and ratify the treaty.

Mr. SPOONER. It is absolutely impossible for the Senator from Georgia, with all his ability, or for the Committee on Foreign Relations, with their ability—

Mr. BACON. We are both on it.

Mr. SPOONER. To recast these resolutions on the theory which the Senator had in mind when he drew them, which would eliminate, in my judgment, the fatal objection to them.

Mr. BACON. Let the Senator from Maine try it.

Mr. SPOONER. The Senator from Maine can do almost any intellectual thing he tries to do.

Mr. HALE. I thank the Senator; I will try it.

Mr. SPOONER. But this resolution recognizes inherently an allegation or the existence of a wrong on the part of the United States which either ought to be adjusted by the United States

with Colombia, or, failing in that, be referred to some international judicial tribunal for adjustment.

Mr. BACON. I will say to the Senator what I have said repeatedly. I do not know whether I repeated it since he has been in the Chamber. I have disclaimed any such intention. If I have been infelicitous in my language that is my infirmity and not my intention. I do think when half a dozen times I have disclaimed it and on the contrary said I designed it otherwise, I should have at least a surcease.

Mr. SPOONER. I have not imputed to the Senator any purpose different from that which he expresses. I am giving my opinion about the effect of this resolution, that is all. He says "the alleged forcible prevention by said land or naval forces."

Mr. BACON. That is what Colombia alleges—nobody else.

Mr. SPOONER. How do you know? Who says so?

Mr. BACON. I will not answer the Senator, because I have studiously avoided discussing the question whether or not there is right or wrong on either side. I have not gone into that. I may do so at some other time.

Mr. SPOONER. Ah, that is the trouble with this matter. We are certainly not in this situation to act upon newspaper statement. It will befit us to wait until we know what Colombia asserts.

Mr. BACON. It would be well to hold the resolutions, then, until we can ascertain, and not consign them to the wastebasket.

Mr. SPOONER. I think, so far as the structure of the resolution is concerned—and I say that with all deference to my friend from Georgia—it ought to wait. I think the resolution ought to be disposed of. The controversy, if there be one, between the United States and Colombia can very easily be taken up in the usual course of diplomacy later.

It ought not to be taken up by the Senate, especially in the absence of all knowledge of any contention upon the part of Colombia. The resolution is premature, and it is calculated to do harm instead of good.

Mr. BACON. I do not think so.

Mr. SPOONER. If there is anything in the implication of this resolution, it impeaches the honor of the United States. We have never agreed to refer a question of national honor to any outside tribunal.

Mr. BACON. The Senator is not justified in making any such statement. Is there anything in the resolution that impeaches the honor of the United States? The Senator was not here; I went all over that ground.

Mr. SPOONER. But I am here now, and I have read this resolution.

Mr. BACON. The Senator is here, and I will repeat what I said before. The resolution makes no allegation as to the right or the wrong.

It simply recites the fact that there is a controversy, and aside from that I said to the Senator from Maine, and the Senator from Maine has said it to the Senator from Wisconsin, that I am willing to have the resolution recast as suggested by him, because it would carry out the central thought in my mind.

But the Senator insists on taking this resolution as the one to be discussed, when I have already said to the Senator from Maine that I would accept his substitute for it when he put it in proper form.

Mr. SPOONER. Then I understand the Senator from Georgia to abandon his resolution.

Mr. BACON. No, I do not.

Mr. SPOONER. I understand that—

Mr. BACON. No.

Mr. HALE. That is only a phrase. He does abandon it.

Mr. BACON. The Senator desires to put me in a wrong position. I do not abandon the resolution. I think, as I said to the Senator from Maine, the suggestion made by him does not go as far as I would desire, but as it contains the great central proposition of arbitration in this matter, I am willing for him to phrase it in the way he suggests.

Mr. SPOONER. This question of international arbitration is one, of course, which is exciting and will continue to excite great public interest. There are some questions which I am willing for one to arbitrate before The Hague tribunal, but an allegation that the Government of the United States has violated a treaty obligation for which it is responsible in damages to another government I am not willing to say I would refer to the arbitrament of a tribunal constituted from abroad.

Mr. BACON. I have expressly said to the Senate in the Senator's absence that that was an alternative proposition, which was not the material one in that case.

Mr. HALE. I should not—

Mr. SPOONER. Now, let us get at some point about it.

Mr. HALE. That is what I am trying to do.

Mr. SPOONER. I do not care anything about words.

Mr. HALE. I know the Senator does not.

Mr. BACON. Evidently.

Mr. SPOONER. The Senator from Georgia is objecting to my use of the word "abandon." He must abandon the whole theory of his resolution and substitute for it another.

Mr. HALE. Is not the Senator glad of it if he does?

Mr. SPOONER. Yes; but I am trying to get him to do it.

Mr. HALE. He says he is entirely willing that the resolution should be framed on this side.

Mr. SPOONER. I am perfectly willing; I do not want war. I want to avert it.

Mr. HALE. I know the Senator does not. I do not think we shall have to resort to arbitration. I think we can get out of it without any reference to The Hague tribunal.

I think we can go on and ratify the treaty, open negotiations with Colombia, or continue negotiations with Colombia, and that we can afford instead of war to exercise our good offices between Panama and Colombia; and, if necessary, I say it frankly—I do not want to be misstated hereafter—in carrying out those good offices I would be willing, in order to avoid war, that in some way we guarantee Panama's pledges that she makes.

I objected in the Senator's absence to the phraseology of the resolution. I am one of those who believe that events were bigger than we were and that the Administration had to do what it did. I would not draw a line that would in any way declare expressly or by implication that the Administration had done more than it should have done.

But events having culminated, revolution being acknowledged and established as an accomplished fact, I say we will stand better hereafter and that we can not afford to reject a proposition that opens or continues a friendly negotiation with Colombia. I am not particular on a technical point, whether Colombia has asked it. Colombia has a representative here now.

These things are being negotiated. It would only help negotiations. It would not interfere with them. I do not know anything about it, but I think the Senator from Georgia recognizes, from what he has said, that this is an accomplished revolution.

Mr. BACON. I say that.

Mr. HALE. We can not go back, and I am willing to meet him more than halfway.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Has the Senator from Wisconsin the floor?

Mr. CARMACK. The Senator from Wisconsin has the floor, I believe.

Mr. SPOONER. I have the floor.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.

Mr. CARMACK. I just want to say that even if the Senator from Georgia and the Senator from Maine and the Senator from Wisconsin should arrive at an agreement among themselves, I am not sure that that would signify a unanimous agreement of the Senate to their proposition.

Mr. HALE. I was afraid of that.

Mr. SPOONER. I expect the Senator from Tennessee to be an irreconcilable.

Mr. CARMACK. Mr. President, my opinion, I suppose, is like Touchstone's wife; it is a poor thing, but my own.

Mr. SPOONER. I did not propose any agreement for the Senator.

Mr. CARMACK. I did not understand the Senator to suggest that they were coming to a unanimous-consent agreement, but I did not want it to be understood that the Senator from Georgia who is the only Senator who has been speaking on this side of the Chamber was speaking for all.

I simply want it understood that everybody has not agreed with the proposition the Senator from Georgia was about to agree to, because I think that he and the Senator from Maine between them have about got this resolution in a shape where I can not possibly vote for it. That is a matter of very small consequence, but I want it understood.

Mr. SPOONER. I am perfectly well satisfied, from what the Senator says, that he will never vote for the resolution unless it is in the wrong shape.

Mr. CARMACK. I am not responsible for the Senator's wrongdoing.

Mr. SPOONER. Of course not. You are fortunate in not being responsible. I want to say that as far as I am concerned, after this debate and the observations of the Senator from Georgia, I am perfectly willing that this resolution should be referred to the Committee on Foreign Relations instead of being voted upon now.

Mr. BACON. I would be very glad to have that done.

Mr. BERRY. Let it go over.

Mr. HALE. That is the better way, undoubtedly.

Mr. BACON. I am perfectly willing for that course to be taken,

but I simply desire to repeat what I said to the Senator from Maine, that while I am willing to accept his substitute, I do not mean by that to indicate that in my private judgment it goes as far as it should.

But it recognizes the principle of arbitration, and therefore I am willing to concede it. As I have occupied so much time to-day, I want to felicitate myself upon the fact that I have had the testimony of the Senator from Wisconsin to the Senate and the country that I was once silent. I do not know when that was.

Mr. SPOONER. I will tell the Senator. The Senator from Georgia was opposed to the attitude of the United States in the Philippines, but—

Mr. BACON. I thought I said something on that subject.

Mr. SPOONER. I know the Senator did, but when war was flagrante there the Senator gave no word which could by any possibility be construed as an incentive to a prolongation of it. As I now remember it, that is what I meant.

Mr. BACON. I do not think there is any other Senator on this side of the Chamber but would have done as much.

Mr. PLATT of Connecticut. Mr. President, I do not wish to occupy any considerable time of the Senate now. I do not seem to be one of the plenipotentiaries of the Senate who have been commissioned to make a treaty to compromise the disagreement which has arisen between Senators here, but I want to say, following, perhaps, the suggestion of the Senator from Tennessee, that I do not wish to commit myself in advance to any treaty which may be drawn up here in the Senate by the plenipotentiaries.

I think the resolutions of the Senator from Georgia, with all deference to him, and recognizing in the fullest sense his motives in the matter, were very inopportune and liable to misapprehension; that they were liable to put the country even in an embarrassing position.

I do not see how it is possible that those resolutions outside of the Senate Chamber should not be construed as an acknowledgment or an admission on the part of the Senate that Colombia had some grievance against us which we ought not only to submit to arbitration or compose without submission to arbitration, but which we were bound to recognize and to pay for. I think that will be the construction put upon the resolutions.

I will go further than that, Mr. President. If as the result of the discussion here this afternoon these resolutions should be dropped and another resolution expressing the sense of the Senate that the Executive should exercise his good offices to try to bring about an understanding between Colombia and Panama should be passed, I think under the circumstances that would be misconstrued; and I do not think there is any necessity for it, either.

Although I admit freely that we would have a right to pass the resolution, it seems to me that it is not necessary to pass it. Can we not trust the President and the State Department for a little while to negotiate with Colombia and to offer the good offices of this Government, if they should be needed, to compose the differences which exist between Colombia and Panama?

It appears to me that the very first notice which was given to Colombia contained in it an intimation—and more than an intimation, a declaration—that this Government would be willing at all times to use its good offices to compose whatever controversy and whatever complaint there might be between Panama and Colombia.

In the very first dispatch, directing Minister Beaupré at Bogota to inform the Colombian Government that the Government of Panama had been recognized, Mr. Hay, speaking of the fact that the Government of the United States has entered into relations with Panama, goes on to say:

In accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and Panama the peaceful and equitable settlement of all questions at issue between them.

There is an offer in the very first paper that was passed.

Mr. HALE. Now, does the Senator feel so exact upon the question of etiquette and time that he does not think it would be a good thing for the Senate to express itself in accord with the suggestion that this Government shall exercise its good offices?

I hope that if the real substance of the thing is done the Senator will not stand upon a question whether we should do a thing to help the Executive or let him alone without doing it.

Mr. PLATT of Connecticut. I do not think it is necessary, Mr. President.

Mr. HALE. Could it do any harm?

Mr. PLATT of Connecticut. I think it would be unfortunate, after the discussion which has been had here this afternoon upon these resolutions, to have any action taken by the Senate at this time. That is my feeling about it.

Mr. CARMACK. Mr. President, I want to say just a word or two.

The Senator from Wisconsin [Mr. SPOONER] has twice during the discussion to-day complimented the Senator from Georgia

[Mr. BACON] upon the fact that he has never done what some others did here in the course of the Philippine debate—said anything that would be an incentive to war. Of course, Mr. President, I have no objection whatever to the Senator from Wisconsin and the Senator from Georgia making love to each other, provided their intentions are honorable.

Mr. BACON. I hope my friend from Tennessee will permit me. Did he hear what I said in reply to the Senator from Wisconsin?

Mr. CARMACK. Yes; I heard what the Senator said. I was going on to say that I have no objection whatever to the Senator from Wisconsin and the Senator from Georgia hugging and kissing and making love to each other, provided, of course, their intentions are honorable. [Laughter.]

But I wish also to add that the most terrific arraignment of the course of the Administration in the Philippine Islands and the most terrible picture I ever heard drawn of the widespread desolation and of the atrocities perpetrated there was drawn by the Senator from Georgia upon the floor of this Senate.

I want to say further, Mr. President, that I quoted here on the floor of the Senate an extract from a public address made by the President of the United States, and I proved by Governor Taft before the committee that just such expressions as were used by President Roosevelt had a very great effect in stirring up the people of the Philippine Islands and promoting and encouraging the insurrection.

I offered to prove upon one occasion that speeches made by Senators defending the Administration's policy in the Philippines, and especially one particular speech by a very distinguished Republican Senator, had been circulated broadcast over the Philippine Islands, and had had more effect than anything else that had been uttered to incite those people to insurrection.

I think I did prove that the President of the United States himself, by the language he used, language which would have caused any other man, if he had uttered it in the Philippine Islands, to be arrested for violation of the law and put in jail, had a greater effect in stirring up insurrection in the Philippine Islands than anything else.

Mr. SPOONER. Mr. President, I leave the Senator from Tennessee alone with his conscience.

Mr. CARMACK. My conscience, Mr. President, has not pained me in the least. I will leave the Senator from Wisconsin alone without a conscience. [Laughter.]

Mr. ALDRICH. I am not sure whether any request has been made relating to the disposition of this resolution.

The PRESIDENT pro tempore. A request was made that it should go over until to-morrow, and it has gone over, but the debate has not.

Mr. LODGE. The debate will, though.

Mr. ALDRICH. I will suggest, as the resolution has gone over, that it retain its present position until to-morrow.

The PRESIDENT pro tempore. By unanimous consent it was agreed that the resolutions relating to the Post-Office Department investigation should be taken up to-morrow morning immediately after the routine business.

Mr. HALE. They will not take very long. This morning, by unanimous consent, those resolutions were passed over to be taken up after the routine morning business to-morrow.

Mr. ALDRICH. If the purposes and wishes of the various Senators who have been discussing this matter for the last half hour remain to-morrow morning as they are, then we may have some concrete proposition before the Senate for consideration. I do not know whether Senators desire any disposition of the pending resolution now. I think we had better let it go over until to-morrow.

The PRESIDENT pro tempore. It has gone over.

Mr. ALDRICH. And see what the day will bring forth.

Mr. LODGE. I ask leave to print in the RECORD a statement of Mr. Olney, when Secretary of State, in regard to the power of the President to recognize a new government. It is brief and, I think, a very interesting statement. I will not delay the Senate by reading it unless it is insisted upon. I should like, however, to have it go in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The statement referred to is as follows:

STATEMENT OF MR. OLNEY, SECRETARY OF STATE.

[Washington Evening Star, December 19, 1896.]

I have no objection to stating my own views of the resolution respecting the independence of the so-called Republic of Cuba which it is reported is to be laid before the Senate on Monday. Indeed, as there are likely to be serious misapprehensions regarding such a resolution both in this country and abroad, and as such apprehensions may have serious results of a grave character, it is perhaps my duty to point out that the resolution if passed by the Senate can probably be regarded only as an expression of opinion by the eminent gentlemen who vote for it in the Senate, and if passed by the House of Representatives can only be regarded as another expression of opinion by the eminent gentlemen who vote for it in the House.

The power to recognize the so-called Republic of Cuba as an independent

state rests exclusively with the Executive. A resolution on the subject by the Senate or by the House, by both bodies or by one, whether concurrent or joint, is inoperative as legislation, and is important only as advice of great weight tendered to the Executive regarding the manner in which he shall exercise his constitutional functions.

The operation and effect of the proposed resolution, therefore, even if passed by both Houses of Congress by a two-thirds vote, are perfectly plain. It may inflame popular passion both in this country and elsewhere, may thus put in peril the lives and property of American citizens who are resident and traveling abroad, and will certainly obstruct, and perhaps defeat, the best efforts of this Government to afford such citizens due protection.

But except in these ways, and unless advice embodied in the resolution shall lead the Executive to revise conclusions already reached and officially declared, the resolution will be without effect and will leave unaltered the attitude of the Government toward the two contending parties in Cuba.

ALABAMA RIVER BRIDGE, NEAR MONTGOMERY, ALA.

Mr. PETTUS. Mr. President, by way of introducing a new subject, I will ask unanimous consent of the Senate for the present consideration of a bridge bill, which covers only half a page. It is the bill (S. 2842) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 10, after the word "this," to strike out "amendment" and insert "act and completed within three years from same date;" so as to make the bill read:

Be it enacted, etc., That the said Montgomery Bridge Company shall have authority to construct said bridge mentioned in said act, across the Alabama River, under and subject to the limitations and restrictions mentioned in said act, and in the amendment thereto approved March 3, 1897, if the actual construction of the bridge therein authorized shall be commenced within one year from the approval of this act and completed within three years from same date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISTHMIAN CANAL COMMISSION REPORT.

Mr. CARMACK. I ask to have published as a Senate document the concluding chapter of the report of the Isthmian Canal Commission, which is contained in about seven pages. It is a summary of statements in the report.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Tennessee, and the order to print will be made.

LETTER OF COMMODORE M. F. MAURY.

Mr. TELLER. I ask leave to have published as a Senate document a letter written by Commodore M. F. Maury in July, 1886, addressed to Capt. Bedford Pim, of the royal navy and a distinguished member of Parliament. It is a very interesting and instructive letter, and I have only been able to find one copy of it. The letter is taken from Van Nostrand's Engineering Magazine. It covers the Panama and Nicaragua routes and the whole canal controversy. I think the Senate will be very glad to have it in print.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado, that the article referred to be printed as a document? The Chair hears none, and that order will be made.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 13, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 12, 1904.

The House met at 12 o'clock noon.

Prayer by Rev. Dr. JOSEPH SILVERMAN, of New York.

The Journal of yesterday's proceedings was read and approved.

CHANGES OF REFERENCE.

By unanimous consent, changes of reference were made as follows:

House Documents Nos. 280, 94, and 29, from the Committee on Appropriations to the Committee on Public Buildings and Grounds.

House Document No. 359, from the Committee on Appropriations to the Committee on Foreign Affairs.

House Document No. 142, from the Committee on Appropriations to the Committee on Interstate and Foreign Commerce.

REGENTS OF SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair announces the appointment of the following regents of the Smithsonian Institution: Mr. ROBERT R. HITT, Mr. ROBERT ADAMS, Jr., and Mr. HUGH A. DINSMORE.